

CHAPTER 5

PATROL OPERATIONS

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CHAPTER 5 SECTION I

DEFINITIONS

The following words and phrases have the meanings indicated when used in this chapter.

Word or Phrase	Meaning
Abandonment	The voluntary relinquishment of possession of thing by owner with intention of terminating his ownership, but without vesting it in any other person.
Accost	To approach and speak to; greet first, before being greeted, especially in an intrusive way. (New World Dictionary)
Accuse	To bring a formal charge against a person, to the effect that he is guilty of a crime or punishable offense.
Accused	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.
Arraignment	Procedure whereby the accused is brought before the court to plead to the criminal charge in the indictment or information.
Arrest	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.
Code	The Annotated Code of Maryland
Consent	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.
Control	Power or authority to manage, direct, superintend, restrict, regulate, govern, administer or oversee.
Custodial Interrogation	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.
Detain	To arrest, to check, to delay, to hinder, to hold or keep in custody, to retard, to restrain from proceeding, to stay, to stop.
Excessive Force	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.
Felony	<p>A crime more serious in nature than those designated as misdemeanors.</p> <p>Note: In Maryland, felonies are designated by common and statutory law. Felonies at common law are:</p> <ol style="list-style-type: none"> a. Arson b. Burglary c. Theft d. Murder e. Manslaughter f. Rape g. Robbery h. Sodomy i. Mayhem

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Word or Phrase	Meaning
Fresh Pursuit	Refer to Digest of Criminal Laws - Criminal Procedure Article 2-301
Fugitive	One who flees; used in criminal law with the implication of flight, evasion or escape from arrest, prosecution or imprisonment.
Indictment	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.
Interrogation	In criminal law, a process of questions propounded by the police to a person arrested or suspected, seeking the solution of a crime.
Inventory	A detailed list of articles of property containing a designation or description of each specific article.
Juvenile	A person under the age of 18 years. The eighteenth year designation applies in Maryland with certain statutory exemptions
Miranda Rule	Prior to any custodial interrogation, the person interrogated must be advised of their Miranda rights.
Misdemeanor	Offenses lower than felonies; generally those punishable by fine or imprisonment other than in a penitentiary.
Ownership	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.
Parol Arrest	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.
Possession	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.
Probable Cause	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.
Reasonable Belief	"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.
Reasonable Force	That degree of force that is not excessive and is appropriate in protecting oneself or one's property.

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Word or Phrase	Meaning
Reasonable Grounds	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.
Search	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”.
Search Incident to Arrest	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.
Search Warrant	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.
Seizure	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.
Stop and Frisk	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.
Suspect	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”.
Suspicion	A belief or opinion based upon facts or circumstances that do not amount to proof.
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.
 - d. Warrantless Arrests – In general. Criminal Procedure Article, Section 2-202.
 - 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

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commit the crime;

- (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.

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E. Immigration Warrants

1. Administrative (Civil) Immigration Warrants
 - a. Warrants for deportation are civil in nature, not criminal.
 - b. The United States Court of Appeals for the Fourth Circuit ruled in Santos v. Frederick County Commissioners that state and local law enforcement officers do not have legal grounds to stop, detain, search or arrest an individual based solely on an administrative (civil) immigration warrant, unless they have been deputized by the United States Immigration and Customs Enforcement (ICE) to do so.
 - c. Officers will not stop, detain, search or arrest an individual based solely on an administrative (civil) immigration warrant; if an administrative (civil) immigration warrant is discovered, no enforcement action will be taken regarding the warrant.
 - d. Should it be determined a person has an administrative (civil) immigration warrant, ICE will be notified regarding the circumstances surrounding the incident using the contact information provided by the NCIC response; however, the NRP will not detain the individual for the purpose of ICE responding to take custody of the person.

2. Criminal Immigration Warrants
 - a. When criminal immigration warrants are located in NCIC during traffic stops and investigations, the individual will be detained and confirmation with ICE will be made.
 - b. Before any further detention, search or arrest is made, it must be confirmed that the warrant is both active and is for a criminal offense.
 - c. Upon confirmation from ICE, the person will be arrested and turned over to the custody of ICE for further processing; NRP policy regarding the completion of an Incident Report and Field Arrest Report will be followed.
 - d. Officers are obligated under international treaties and customary international law to notify foreign authorities when foreign nationals are arrested or otherwise detained in the United States.

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ARREST / CHARGING DOCUMENT PROCEDURES

A. Precautionary Measures

1. In making an arrest, officers must use discretion regarding the safety and security of the prisoner, and themselves. Officers are responsible for transporting prisoners safely.
2. Officers must insure the security of their weapons when the arrested person is interrogated, transported, photographed, etc.

B. Citation Preparation

The issued citation books are to be used in writing violations of the Natural Resources laws and regulations as well as any applicable laws or regulations.

C. Citations

1. When issuing a citation to violator for committing an offense with a payable fine as listed in the Fine & Bond Schedule, the violator can sign the citation and proceed.
2. Nothing herein prohibits an officer from physically apprehending a violator and taking whatever reasonable law enforcement action is necessary where aggravated circumstances dictate.

D. Process For Filing Charges Against a Corporation

1. When a violation of the Natural Resources Article shall be found against any corporation, joint - stock company, or association, the officer shall issue a citation/charging document directed to the said corporation, joint - stock company, or association, in its corporate name, to answer to the charges (Criminal Procedure Article, Section 4-203).
2. Service is made upon a corporation, incorporated association, or joint stock company by serving its resident agent, president, secretary, or treasurer. If the corporation, incorporated association, or Joint Stock Company has no resident agent or if a good faith attempt to serve the resident agent, president, secretary, or treasurer has failed, service may be made by serving the manager, any director, vice president, assistant secretary, assistant treasurer, or other person expressly or impliedly authorized to receive service of process. (Md. Rule 2-124(d) – Circuit Court; Md. Rule 3-124(d) – District Court)
3. Examples where the Natural Resources Police may encounter a corporation include pet stores selling native wildlife or a retail business selling seafood.
 - a. If a violation is found, the officer must determine if the establishment is incorporated. If it is determined that the business is incorporated, the officer may issue a citation at that time to the person serving as the company's resident agent, president, secretary, or treasurer.
 - b. If this person is not available, or if it is uncertain whether the business is incorporated; the officer should obtain the necessary information, seize or have removed from sale any illegal wildlife, and then conduct further investigation to determine if the business is incorporated and/or to locate an agent of the corporation; and then issue a citation/charging document to the appropriate person for the violations found.
4. Instructions for completing a citation on a corporation:
 - a. Defendant: name of the corporation
 - b. Address: address of the corporation (not necessarily the address where the violation occurred).
 - c. Soundex number: N/A

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- d. Phone number: telephone number for the business.
- e. Physical description: N/A
- f. Location of violation: name of business, and complete address of business.
- g. Signature of defendant: signature of agent of corporation authorized to receive the citation; (and include this person's title).

E. Uniform Criminal Citations

1. The following guidelines are provided to officers initiating charges using the Maryland Uniform Criminal Citations (DC/CR45).
2. Uniform Criminal Citations may be issued in accordance with the following:
 - a. Under Maryland Rule 4-201(b) an offense may be charged on a citation in district court in case of a petty offense or when authorized by statute. Maryland Rule 4-102(i) defines petty offenses as offenses where the penalty does not exceed imprisonment for a period of three months or a fine of five hundred dollars.
 - b. In accordance with the Criminal Procedure Article, Section 4-101(c)(1) a police officer **shall charge by citation** for:
 - (1) Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;
 - (2) Any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less.
 - c. **Offenses that cannot be charged by citation** include the following:
 - (1) Failure to comply with a peace order under § 3-1508 of the Courts Article;
 - (2) Failure to comply with a protective order under § 4-509 of the Family Law Article;
 - (3) Violation of a condition of pretrial or post-trial release while charged with a sexual crime against a minor under § 5-213.1 of this article;
 - (4) Possession of an electronic control device after conviction of a drug felony or crime of violence under § 4-109(b) of the Criminal Law Article;
 - (5) Violation of an out-of-state domestic violence order under § 4-508.1 of the Family Law Article; or
 - (6) Abuse or neglect of an animal under § 10-604 of the Criminal Law Article.
 - d. In accordance with the Criminal Procedure Article, Section 4-101(c)(2), a police officer **may charge a defendant by citation only if:**
 - (1) The police officer is satisfied with the defendant's evidence of identity;
 - (2) The officer reasonably believes that the defendant will comply with the citation;
 - (3) The officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;
 - (4) The defendant is not subject to arrest for another criminal charge arising out of the same incident; and
 - (5) The defendant complies with all lawful orders by the officer.
 - e. By authority of the Criminal Procedure Article, Section 4-101(c)(2) a police officer who has grounds to make a warrantless arrest for an offense that may be charged by a citation **may:**
 - (1) Issue a citation in lieu of making the arrest; or
 - (2) Make the arrest and subsequently issue a citation in lieu of continued custody.

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3. Although the law requires that a police officer must charge a defendant by citation for certain misdemeanors as outlined above, subject to certain exceptions, the law also allows for custodial arrest and processing (i.e. fingerprinting, booking, photograph, warrant checks, etc.). An officer who has grounds to make an arrest for an offense that may be charged by citation may instead make the arrest and subsequently issue a citation in lieu of continued custody. Among the considerations for arrest processing are:

- a. Verification of the individual's identity: There is an essential need to ensure identity of a criminal defendant. Even where identification appears valid, it may not be. The booking process reduces concerns of false identification.
- b. Notification of prior arrests and/or alerts: Allows law enforcement to determine if the individual is a threat to law enforcement, the general public, or a failure to appear (FTA) risk.
- c. Confirmation of open warrant status and avoiding un-servable warrants: Warrants may be issued for defendants who have been cited without proper identification. A defendant who has been cited even under his correct identity may not be detected on a subsequent violation without the arrest and booking process.
- d. Triggering of a reportable event: An arrest will be reported in CJIS and therefore will appear on the individual's criminal history record and triggering the notification to DPSCS that an individual currently under community supervision has violated parole or probation.
- e. Search incident to arrest (SITA): SITA is generally not permissible if a defendant is to be released from the scene upon issuing a criminal citation. No authority enables a search incident to charges solely by citation unaccompanied by arrest. This presents concerns where a search may have otherwise disclosed evidence supporting the underlying offense. For example a law enforcement officer may charge a defendant for shoplifting by issuing a citation but, without arrest and subsequent search, may not be able to recover evidence of that theft. Similarly, possession of marijuana if charged by citation on the street may jeopardize an officer's ability to seize relevant evidence which may only be discovered by a search incident to arrest.

4. It is the policy of this Agency that an NRP officer who has grounds to make an arrest for an offense that does not carry a penalty of imprisonment and who determines a defendant meets the statutory criteria shall issue a Uniform Criminal Citation in lieu of arrest. The defendant shall be released upon his or her signature on the citation.

5. If an officer charges a person on a Statement of Charges for any offense which could have been charged by a citation, then the officer must add a statement at the end of their probable cause statement explaining which of the criteria specified in the Criminal Procedure Article, Section 4-101(c)(2) the person did not meet. This explanation shall detail the reason(s) why the person was not charged by a citation.

6. An NRP officer may issue a criminal citation for offenses where a warrantless arrest may ordinarily be impermissible. At times there are no grounds for a misdemeanor arrest where the offense is not committed in an officer's presence. The Maryland States' Attorneys' Association suggests that a criminal citation may be issued based on witness information. For example, an officer may issue a citation based on a credible witness account of a destruction of property, trespassing, theft, etc.

7. Agency employees shall not unlawfully detain any person or participate in the use of any unlawful discriminatory characteristic as a cause for taking any law enforcement action against any individual or

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group of individuals.

8. The Maryland Uniform Criminal Citation books are available from the DNR Law Enforcement Records Center. Citations are to be forwarded to the court on the Daily Transmittal form DC/CR 95A within seven (7) days after they are issued. This transmittal form differs from that traditionally used for submitting Natural Resources Citations.

9. Unless otherwise set forth by the Department or District Court, all violations are Must Appear Offenses. The arresting officer will indicate to the defendant that they will be assigned and notified of a court date by the District Court.

10. The Natural Resources Police have been assigned the Agency Code “NRP” and various Sub-Agency codes. These codes and officer’s “ID” number must appear on all citations and other correspondence.

11. The officer who places charges, by issuing a Uniform Criminal Citation will be summoned to court when a trial date is set. The court will summon witnesses upon request of the officer or State’s Attorney. Witnesses may be listed on the back of the original citation or the Request for Witness Summons from the court may be completed. A complete address and telephone number should be provided for all witnesses. The Agency, sub-Agency, and ID number should be provided for all witnesses who are police officers.

12. Once the citation has been referred to the court, all references to the case must include the court case number, which is the Tracking Number from the top of the citation.

13. Required Forms & Reports

a. Uniform Criminal Citation Form DC/CR 45

- (1) The officer shall use the Uniform Criminal Citation form to charge a defendant by citation. The officer shall use either:
- (a) The pre-printed/pre-numbered book provided by the District Court; or
 - (b) In the case of an electronic format, the assigned electronic citation number provided by the District Court.

b. Probable Cause Continuation Sheet Form DC/CR 4

- (1) Under no circumstances should the officer try to write the entire probable cause statement on the first page of the Uniform Criminal Citation.
- (2) The officer shall use the statement of probable cause continuation sheet to complete the probable cause narrative outlining the facts and circumstances substantiating the charge.
- (3) The Uniform Criminal Citation number shall be recorded in the case number block on the continuation sheet.
- (4) The charging officer should confer with the appropriate State’s Attorney’s Office to determine whether or not the DC/CR4 form is necessary. Some have determined that the RMS Investigative Report alone is sufficient.

c. RMS Investigative Report

In addition to the Uniform Criminal Citation and the probable cause continuation sheet(s), the NRP officer shall complete an RMS Investigative Report detailing the circumstances of the incident. An approved copy of the report shall be forwarded by the charging officer to the States

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Attorney's office with a copy of the citation.

- d. When an NRP officer determines that a Uniform Criminal Citation shall be the form by which to charge a defendant, the officer shall use:
 - (1) The pre-printed/pre-numbered book provided by the District Court; or
 - (2) The assigned electronic citation number provided by the District Court.
- e. The names and addresses of the Victims and Witnesses shall only be listed in the RMS Investigative Report and not the citation. In every case, copies of the Uniform Criminal Citation and continuation sheet(s) if applicable shall be given to the defendant upon their release.
- f. Copies of the Uniform Criminal Citation and Probable Cause Continuation Sheet(s) shall be given to the defendant upon release. Copies of the Uniform Criminal Citation, Probable Cause Continuation Sheet, and Investigative Report shall be forwarded to the State's Attorney's Office for review. After being approved, the charging officer will ensure reports are forwarded as required.

14. Law Enforcement Reporting - Statistical Data Collection:

- a. All Maryland law enforcement agencies are required to collect the race or ethnicity of the offender on all criminal citations issued as:
 - (1) Asian;
 - (2) Black;
 - (3) Hispanic;
 - (4) White; or
 - (5) Other
- b. NRP officers will utilize the DeltaPlus program to enter race-based reporting information for any criminal citations they have issued.

15. For a list of qualifying offenses that require charging by criminal citation, consult the Maryland Criminal Digest.

F. Search Incident to Arrest

- 1. The law permits the search of a lawfully arrested person to prevent the destruction of evidence, insure the safety of the arresting officer, and prevent possible harm to the arrestee or others. Each arrestee shall be thoroughly searched as soon as practical following the arrest.
- 2. NRP personnel taking temporary custody of a prisoner will, prior to transport, detention, interview, or interrogation, conduct a search of the person regardless of a previous search.
- 3. Whenever possible prisoners will be searched by officers of the same gender.

G. Transportation / Care of Prisoners

- 1. When transporting prisoners, officers will be expected to use handcuffs and or other agency approved restraining devices. Handcuffs and other devices are merely temporary controls and the arresting officer must maintain a close guard over the subject at all times. As a general rule, prisoners should not be handcuffed with their hands in front of their body while on land (see "Transportation by

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Vessel”). If an extenuating circumstance, such as the physique of an individual or a physical disability makes it necessary to restrain with hands in front of the body, additional sets of handcuffs or leg shackles may be used. Under all circumstances an officer must take proper care of their prisoner.

2. Care of Prisoners

- a. Whenever an officer makes an arrest, or at any time has in their personal custody a prisoner not confined in a cell, they will guard the prisoner closely, using the utmost precaution to prevent such prisoner from escaping or injuring anyone in such an attempt.
- b. When a prisoner is sick or injured, the arresting officer will arrange for appropriate medical treatment. However, the NRP does not assume financial responsibility for such medical treatment. Pursuant to the Correctional Services Article, Section 11-203, Annotated Code of Maryland, financial obligations incurred for medical services of persons in custody are assumed either by the patient or the county having jurisdiction.
- c. Hospitals or other medical facilities making such claims should be advised to seek reimbursement from either the patient or appropriate county.
- d. During hospitalization of a prisoner, a police officer will be on guard in his room at all times. Guards will be responsible for the security of the prisoner; they will see that no one other than hospital staff communicates with the prisoner without first obtaining permission from the officer in charge.
- e. Under no circumstances will an unconscious prisoner be placed, or allowed to remain in a cell without medical treatment, even though the prisoner’s condition may have been caused by intoxicants.
- f. Prisoners will be given sufficient opportunity to communicate with relatives, counsel, bondsmen, or friends, and facilities will be made available for such communication. If such communication is deemed detrimental to an investigation, approval for such action must be given by the prosecutor.
- g. Officer’s will not converse unnecessarily with prisoners and will not address prisoners using obscene or profane language. They will not mistreat prisoners, nor use unnecessary force in handling them.
- h. Prisoners are to be made as comfortable as practical. All prisoners should be checked periodically to insure their well-being. When practical, not more than one prisoner will be confined in a cell or detention room at one time.
- i. When transporting prisoners, beginning and ending mileage / hours will be relayed to the Communication Center.

3. Transporting in Vehicles:

- a. When transported in a patrol vehicle, the prisoner will be properly restrained and situated in the right front seat wearing the seat belt.
- b. If more than one (1) prisoner is transported, an additional officer should be summoned and should sit behind the driver to increase security or utilize an additional patrol vehicle for transportation purposes.

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4. Transportation by Vessel

- a. When transporting prisoners by vessel, officers need to be especially attentive to insure the safety of all persons involved. Careful attention should be taken to locate prisoners on vessels so that the officers(s) have sufficient time to react should the prisoner attempt to overcome them.
- b. As a general rule, prisoners being transported by vessel should be handcuffed in front of their body unless they are extremely uncooperative.
- c. Any prisoner taken into custody and transported by a vessel shall at all times be properly secured in a Type I personal flotation device.
- d. If an officer is alone and transporting a prisoner in an outboard unit, the preferred location for the prisoner is on the bow seat or on the deck.
- e. Officers should take the necessary precautions to insure that the prisoner does not have access to a weapon.
- f. If two officers are present, the prisoner should be situated on the operator's seat between them, again being sure they do not have access to a weapon.

5. Transportation by Commercial Aircraft

With the ever present possibility of criminal or terrorist activities involving commercial aircraft, the Transportation Security Agency (TSA) has established stringent procedures which govern both the carriage of prisoners and having law enforcement offices armed onboard commercial aircraft.

For a state or local law enforcement officer (LEO) to fly armed and to escort a prisoner onboard commercial aircraft, the TSA procedures shall be followed in accordance with the requirements outlined in the Code of Federal Regulations, Title 49, § 1544.219 (Carriage of Accessible Weapons) and § 1544.221 (Carriage of Prisoners Under the Control of Armed Law Enforcement Officers).

H. Fingerprints

1. Fingerprints will be taken each time an adult or juvenile is arrested and taken before a Commissioner for a criminal offense regardless of whether or not they are already on file. LIVESCAN will not allow a subject to be processed for a bench warrant on a traffic charge; therefore, fingerprints are not required.
2. All officers will secure their weapons when taking fingerprints.
3. When LIVESCAN or other electronic fingerprint system is utilized the prints will be electronically forwarded to CJIS and/or FBI as required.
4. The NRP agency ORI # is MD0020500.

I. Filing of Charging Document

1. The requirements for the filing of a charging document are detailed in Md. Rule 4-211:
 - a. Before any arrest - Except as otherwise provided by statute, a judicial officer may file a statement of charges in the District Court against a defendant who has not been arrested for that offense upon written application containing an affidavit showing probable cause that the defendant committed the offense charged. If not executed by a peace officer, the affidavit shall be made and signed before a judicial officer.
 - b. After arrest - When a defendant has been arrested without a warrant, unless an information is filed in the District Court, the officer who has custody of the defendant shall

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- (1) forthwith cause a statement of charges to be filed against the defendant in the District Court and
 - (2) at the same time or as soon thereafter as is practicable file an affidavit containing facts showing probable cause that the defendant committed the offense charged
2. The requirement for the execution of an arrest warrant are detailed in Md. Rule 4-212:
- a. Execution of warrant - Defendant not in custody - Unless the defendant is in custody, a warrant shall be executed by the arrest of the defendant.
 - (1) Unless the warrant and charging document are served at the time of the arrest, the officer shall inform the defendant of the nature of the offense charged and of the fact that a warrant has been issued.
 - (2) A copy of the warrant and charging document shall be served on the defendant promptly after the arrest.
 - (3) The defendant shall be taken before a judicial officer of the District Court without unnecessary delay and in no event later than 24 hours after arrest or, if the warrant so specifies, before a judicial officer of the circuit court without unnecessary delay and in no event later than the next session of court after the date of arrest.
 - (4) The court shall process the defendant pursuant to Rule 4-216 and may make provision for the appearance or waiver of counsel pursuant to Rule 4-215.
 - b. Procedure - When defendant in custody
 - (1) Same offense - When a defendant is arrested without a warrant, the defendant shall be taken before a judicial officer of the District Court without unnecessary delay and in no event later than 24 hours after arrest.
 - (a) When a charging document is filed in the District Court for the offense for which the defendant is already in custody a warrant or summons need not issue.
 - (b) A copy of the charging document shall be served on the defendant promptly after it is filed, and a return shall be made as for a warrant.
 - (c) When a charging document is filed in the circuit court for an offense for which the defendant is already in custody, a warrant issued pursuant to Md. Rule 4-212(d)(2) may be lodged as a detainer for the continued detention of the defendant under the jurisdiction of the court in which the charging document is filed.
 - (d) Unless otherwise ordered pursuant to Rule 4-216, the defendant remains subject to conditions of pretrial release imposed by the District Court.
 - (2) Other offense - A warrant issued pursuant to Md. Rule 4-212(d) for the arrest of a defendant in custody for another offense may be lodged as a detainer for the continued detention of the defendant for the offense charged in the charging document.
 - (a) When the defendant is served with a copy of the charging document and warrant, the defendant shall be taken before a judicial officer of the District Court, or of the circuit court if the warrant so specifies, without unnecessary delay.
 - (b) In the District Court the defendant's appearance shall be no later than 24 hours after service of the warrant, and in the circuit court it shall be no later than the next session of court after the date of service of the warrant.
3. Other requirements for the execution of a warrant under Md. Rule 4-212 are:
- a. Return of service - The officer who served the defendant with the summons or warrant and the charging document shall make a prompt return of service to the court that shows the date, time, and place of service.
 - b. Citation - Service - The person issuing a citation, other than for a parking violation, shall serve it upon the defendant at the time of its issuance.

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J. District Court Commissioner

1. Following the arrest and processing of an individual, they shall be promptly taken before a District Court Commissioner.
2. The District Court Commissioner shall receive applications and determine probable cause for arrest warrants. The Commissioner shall advise arrested persons of their constitutional rights, set bond or commit persons to jail in default of bond, or release them on personal recognizance. Md. Rule 4-213.
3. Unless a warrant has been issued, or the defendant is in custody, or the charging document is a citation, a summons shall be issued to the defendant in the District Court, by a judicial officer (i.e., District Court Commissioner) or the clerk, and in the circuit court, by the clerk. Md Rule 4-212.
 - a. The summons shall advise the defendant to appear in person at the time and place specified or, in the circuit court, to appear or have counsel enter an appearance in writing at or before that time.
 - b. A copy of the charging document shall be attached to the summons.
 - c. A court may order the re-issuance of a summons.
 - d. *Summons – Service* - The summons and charging document shall be served on the defendant by mail or by personal service by a sheriff or other peace officer, as directed by:
 - (1) A judicial officer in the District Court, or
 - (2) By the State's Attorney in the circuit court.

K. Custody

1. Every person incarcerated by an officer is deemed in custody and must remain in custody until:
 - a. A warrant charging a criminal offense or other process, such as a bail order, has been issued for them by a court of competent jurisdiction, or
 - b. The prisoner can be returned to the county claiming jurisdiction in the case.
2. Until one of the above procedures has been complied with, any person so confined may be released only to, and upon the written order of an officer.

L. Detention Procedures

1. The detention of all prisoners will follow the rules/guidelines of the holding facility.
2. Personal property of detainees will be removed from their possession and control.

M. Arraignment

1. All persons have the inalienable right to be promptly arraigned before a judicial officer of the State after arrest.
2. Case law involving the Johnson Ruling requires an arrestee be presented to a judicial officer without unnecessary delay and, in no event, later than twenty-four hours after the arrest. This requirement may have significant impact on the discovery of evidence through interrogation, confession, etc.

N. Court Attendance

1. Witness fees will not be accepted by Natural Resources Police, except in (2) below.

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2. Witness Fees may be accepted by Natural Resources Police if the following instances;
 - a. The reason for their appearance was not a direct or indirect result of a work related incident involving them, for example, testifying as an expert witness;
 - b. The time used for appearing is not considered State time and a State vehicle is not used by the officer for transportation to and from the court proceedings.

O. Extradition of Prisoners

1. In all extraditions, the Criminal Procedure Article, Sections 9-101 through 9-128 will be reviewed and all procedures adhered to.
2. In each case, whether misdemeanor or felony, the State's Attorney in the jurisdiction where the offense occurred will be contacted and those procedures utilized in that jurisdiction will be adhered to.

CHAPTER 5 SECTION IV JUVENILES

A. Definitions

Federal and State laws regarding juveniles are established in the Juvenile Justice and Delinquency Prevention Act (JJDP A) 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.

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- 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

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- (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

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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.
 - (3) Criminal Law Article 10-116: Obtaining liquor for consumption by person under age of 21.
 - (4) Criminal Law Article 10-113: Misrepresentation of age to purchase beer, light wine, liquor.
 - (5) Criminal Law Article 10-118: Possession of unregistered keg.
 - (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

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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);

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- 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

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CHAPTER 5 SECTION V

FIELD OPERATIONS

A. Use of Force

1. Purpose and Scope

To provide officers with guidance in situations when force must be used and provide guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this agency is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

2. Definitions

- a. Deadly force - force which is intended to cause death or serious physical injury, or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury
- b. Non-Lethal force - any use of reasonable and necessary force other than that which is considered deadly force.
- c. Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.
- d. Choke Hold - a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation. It does not include vascular neck restraints or the Safety Head Control.
- e. Safety Head Control - An open hand technique that controls the head and upper body of a subject. The primary purpose of the safety head control is to protect the head and stabilize the movement of the head, when necessary, without contact to any part of the throat. Upon proper application, the technique minimizes the chance of injury to the subject, other persons on scene, and the officer.
- f. Serious physical injury - physical injury that creates a substantial risk of death or causes permanent or protracted serious disfigurement or loss or impairment of the function of any bodily member or organ. Includes any injury caused by the discharge of a firearm
- g. Objectively Reasonable - the determination that the necessity for using force and the level of force used is based upon an officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officers would use under the same or similar situations.
- h. De-Escalation – taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of techniques, such as command presence, advisements, warnings, verbal persuasion and tactical repositioning.

2. Policy

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Maryland Natural Resources Police recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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Officers will employ an objectively reasonable amount of force when necessary to effect an arrest and overcome any resistance offered.

3. General Provisions

- a. Officers are permitted by law to employ force, including deadly force, in certain situations.
- b. Officers will respect the dignity and liberty of all persons and use force only when necessary.
- c. An officer must evaluate each situation to determine the level of resistance offered and ensure their response is appropriate for that level of resistance. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
- d. In cases where force is employed, once the scene is safe, and as soon as practical, an officer will provide appropriate medical care consistent with their training to any person who has visible injuries, complains of being injured, exhibits abnormal behavior, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

4. Duty to Intercede

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall when in a position to do so, intercede to prevent the use of unreasonable force. All officers have a duty to intervene to prevent or stop the use of excessive force by another law enforcement officer and will report the incident to their supervisor.

5. Legal Considerations

- a. This policy is for NRP use only and does not apply in any criminal or civil proceeding.
- b. NRP policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims.
- c. The use of excessive force, regardless of the provocation or action of the offender, will result in administrative sanctions and disciplinary action and may result in criminal prosecution.
- d. Violations of the law may form the basis for civil and criminal sanctions.

6. De-Escalation

Whenever possible and when such delay will not compromise the safety of the officers or another person and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer will attempt to use de-escalation techniques consistent with their training, before resorting to force.

7. Use of Force

- a. The degree of force used will be consistent with NRP policy and will not be excessive.
- b. Deadly force may include the use of items, articles, instruments, or equipment other than firearms, which are designed, intended, and routinely used for other legitimate law enforcement purposes (e.g., vehicles, batons, flashlights).
- c. Deliberate use of any item, article, instrument, or equipment for any purpose other than that for which it is designed and intended, or in a potentially deadly manner (e.g., using a flashlight as a club, ramming with a vehicle) is prohibited except in cases where the use of deadly force is authorized in policy.
- d. Officers are not justified in striking or arresting a person who merely objects to the proper performance of their duty.
- e. An officer must always maintain control of their temper and never allow themselves to be provoked by words, no matter how rude, to use force.

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8. Factors Used to Determine Reasonableness of Force

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit.

These factors include, but are not limited to:

- a. Immediacy and severity of the threat to officers or others.
- b. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- c. Officer/subject factors (i.e., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- d. The effects of drugs or alcohol.
- e. Individual's mental state or capacity.
- f. Proximity of weapons or dangerous improvised devices.
- g. The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
- h. The availability of other options and their possible effectiveness.
- i. Seriousness of the suspected offense or reason for contact with the individual.
- j. Training and experience of the officer.
- k. Potential for injury to officers, suspects and others.
- l. Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- m. The risk and reasonably foreseeable consequences of escape.
- n. The apparent need for immediate control of the individual or a prompt resolution of the situation.
- o. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- p. Prior contacts with the individual or awareness of any propensity for violence.
- q. Any other exigent circumstances.

9. Permitted Use of Less-Lethal Force

- a. An officer may use various forms of less-lethal force within the scope of their NRP training and only after receiving:
 - (1) initial training and demonstrated proficiency with the weapon or technique;
 - (2) a copy of the policy that addresses the use of the weapon or technique; and
 - (3) training on the policy that addresses the use of the weapon or technique.
- b. Less-lethal weapons and techniques which an officer is permitted to use within the scope of their training are:
 - (1) soft empty hand techniques;
 - (2) hard empty hand techniques;
 - (3) safety head control;
 - (4) oleoresin capsicum (OC) agent; and
 - (5) Expandable Baton
- c. Additional less-lethal weapons are authorized for use by certain units (e.g., TRT Team) and the use of these weapons will be governed by that Team's Standard Operating Procedure.

10. Permitted Use of Deadly Force

- a. The degree of force used in a situation must be consistent with both the severity of the incident and the urgency of its disposition.
- b. An officer may use deadly force only:
 - (1) when the officer reasonably believes the action is in defense of any human life in imminent danger of death or serious bodily injury; or
 - (2) to prevent the escape of a felon only when all the following conditions exist:

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- (a) every other reasonable means of effecting the arrest have been exhausted;
 - (b) the perpetrator is a known felon, or an officer has probable cause to believe the perpetrator committed a felony;
 - (c) the perpetrator used or threatened to use deadly force in the commission of the felony;
 - (d) officers have reason to believe the felon poses a significant threat of using deadly force against an officer or others if not immediately apprehended;
 - (e) every reasonable consideration has been given to prevent inadvertent injury to innocent bystanders; and
 - (f) where feasible, an officer has given notice of the intent to use deadly force and the felon refuses to obey the order to halt.
- c. Deadly force must never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime.

11. Actions after Using Force

- a. After an officer uses force against another person, officers will, if necessary:
 - (1) secure the scene to the best of their ability;
 - (2) render aid as outlined in A-4;
 - (3) notify a supervisor in the area where the incident occurred;
 - (4) request any additional resources that may be necessary; and
 - (5) comply with all reporting and documentation requirements

12. Medical Considerations

Medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until they can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

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13. Training

- a. All officers will receive annual training on the Department's use of force policy and demonstrate proficiency with all approved lethal weapons that they are authorized to use. Training for other less lethal weapons and weaponless control techniques will occur at least biennially.
 - (1) All proficiency training will be monitored by a certified instructor.
 - (2) All training and proficiency will be documented.
 - (3) Remedial training will be done in accordance with the procedures established by the Training and Recruitment Unit for those who are unable to qualify with an authorized weapon prior to resuming their duties.
- b. The use of chokeholds is prohibited by officers unless the use of deadly force is justified.

14. O.C. Pepper Spray

- a. While in uniform, Non-commissioned officers will carry the issued OC Pepper Defense spray on their weapons belt.
- b. It is the officer's responsibility to render first aid (decontamination) to the subject sprayed with OC spray. The officer shall seek medical attention if the subject needs medical attention.

15. Expandable Baton

- a. While in uniform, Non-Commissioned Officers will carry the Expandable Baton on their weapons belt.

16. Safety Head Control

- a. The proper application of the safety head control may be effective in restraining a violent or combative individual. The safety head control may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary in defense of any human life in imminent danger of death or serious bodily injury.

17. Use of Force to Seize Evidence

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers may not use the Safety Head Control or intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Maryland Natural Resources Police or approved agency trainer for this specific purpose.

18. Reporting and Documentation

- a. Use of force shall be reported to a direct supervisor or duty officer immediately either in person or by phone.
- b. In the event that non-lethal force is used against a person, the officer administering such force and, if applicable, the officer directing the use of such force or weapon(s) shall complete the required RMS incident report.
- c. The Form NRP-851-S (Use of Force & Officer Assault – Supervisor's Report) shall be completed by the Officer's immediate Supervisor.
- d. The completed hard copy Form NRP-851 (Use of Force & Officer Assault Report) and copy of the RMS Incident Report shall be submitted through the chain of command to the Superintendent and the Internal Affairs Unit. (Email copy accepted with original to follow).
- e. All reports shall be submitted within 24 hours of the incident.
- f. A copy of the reports shall be forwarded through the chain of command to the Commander of the Training Division.

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- g. Exception to these reporting procedures is when an officer uses force that results in death or serious injury.
- h. If an officer is incapacitated and unable to complete the form, a supervisor will do so.

19. Supervisor Responsibilities

When a supervisor can respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- a. Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force; this will be considered a routine contact in the normal course of duties.
- b. Ensure that any injured parties are examined and treated.
- c. When possible, separately obtain a recorded interview with the individual upon whom force was applied. Knowledge and consent of the individual upon whom force was applied is required if a recorded interview is conducted. If this interview is conducted without the individual having voluntarily waived their Miranda rights, the following apply:
 - (1) The content of the interview should not be summarized or included in any related criminal charges.
 - (2) The fact that a recorded interview was conducted should be documented in a property or other report.
 - (3) The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- d. In lieu of a recorded interview, the supervisor may attempt to obtain a written statement from the individual upon whom force was applied.
- e. Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - (1) These photographs should be retained until all potential for civil litigation has expired.
- f. Identify any witnesses to the use of force. not already included in related reports.
- g. Review and approve all related reports.
- h. Determine if there is any indication that the individual may pursue civil litigation
 - (1) If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- i. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
- j. The. Form NRP-851-S - Use of Force & Officer Assault – Supervisor’s Report - shall be completed in all by a supervisor.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

20. Commander Responsibilities

- a. The Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

21. Use of Force Analysis

- a. At least annually, the IAU Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Superintendent. The report should not contain the names of officers, suspects, or case numbers, and should include:
 - (1) The identification of any trends in the use of force by members.

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- (2) Training needs recommendations.
- (3) Equipment needs recommendations.
- (4) Policy revision recommendations.

B. Firearms Discharge and Procedures

1. Discharge of Firearms - Under no circumstances will an officer discharge a firearm at a person who is running away to avoid arrest on a misdemeanor charge. The law recognizes that it is better for the officer to allow the suspect to escape than to risk taking a life. Firearms are defensive weapons and may only be discharged:

- a. In self-defense, or when it is reasonably necessary to protect a fellow officer, a prisoner, or any person who is being unlawfully attacked, from death or grave injury.
 - b. To apprehend a fleeing felon who is running away to avoid arrest under the following conditions:
 - (1) The arrest is for a violent felony; and,
 - (2) Every reasonable attempt to effect custody has failed; and,
 - (3) The officer believes such force creates no substantial risk of injury to innocent persons; and,
 - (4) The suspect poses a substantial risk that he would cause death or serious bodily harm to others if apprehension is delayed; and,
 - c. To kill a dangerous animal or to kill an animal so badly injured that humanely dispatching the animal (with the permission of its owner if available) would prevent further suffering.
 - d. To give an alarm or call for assistance.
 - e. When used in practice or when qualifying on the range.
 - f. When conducting aversive conditioning of nuisance black bears with approved rubber buckshot an "Aversive Conditioning of Nuisance Black Bear/Use of Rubber Buckshot" Report (Form NRP-735) shall be completed after each use of rubber buckshot.
2. Shooting at or From Moving Vehicles
- a. Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. Shooting at a moving vehicle is considered a use of deadly force and should comply with A. 10. Permitted Use of Deadly Force listed above.
 - b. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.
 - c. An officer should only discharge a firearm at a moving vehicle or its occupants except:
 - (1) As a measure of self-defense or defense of another when the suspect is using potentially deadly force other than the vehicle;
 - (2) When all conditions regarding a fleeing felon are present;
 - (3) When a vehicle is driven in a manner deliberately intended to kill or severely injure an officer who is on foot.

C. Departmental Shooting Incident Process

1. The following procedures will be used for every incident involving the discharge of firearms by NRP Officers except for c, d, e, and f above. A "***Police Involved Shooting Response***" ***Checklist*** has been created to help guide supervisors and commanders who may respond to the scene of an officer involved shooting incident. It is highly recommended that this Checklist be printed-out and carried by supervisors and commanders for easy access and reference should such an incident occur. The ***Checklist*** can be found at the following hyperlink:

[\\Tawesdata2\NRP\Common\NRP-Manuals\Misc\Police_Shooting\Police_Shooting_Checklist_\(2018-02-16\).docx](\\Tawesdata2\NRP\Common\NRP-Manuals\Misc\Police_Shooting\Police_Shooting_Checklist_(2018-02-16).docx)

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- a. Involved officer will:
 - (1) Notify the DNR Communications Center of the incident and location.
 - (2) Determine the condition of any injured person and render appropriate first aid.
 - (3) Request necessary emergency medical assistance.
 - (4) Unless injured, remain at the scene until the arrival of supervisory and investigative personnel. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (i.e. violent crowds), the commanding officer at the scene will have the discretion to remove the officer to a more appropriate location.
 - (5) Protect their firearm, spent casings, and the scene for examination. The officer will submit their firearm for examination as deemed appropriate by the Agency.
 - (6) Not discuss the case with anyone except their attorney, supervisory and investigative personnel.
 - (7) Complete a first report of injury. If the officer is unable to do this, the Area/Unit Commander will ensure that a supervisor assists with the completion of this report. This report is to document any physical or psychological injury that the involved officer may have experienced associated with the incident. On the NRP 447 “First Report of Injury or Illness” in block 45, it should designate that this type of injury or illness is a **“Police Involved Shooting.”**
 - (8) Remain available for administrative interviews regarding the case at any reasonable time.
 - (9) Once released by the State Medical Doctor, Officer’s will be scheduled for an after action training session coordinated by the training and recruitment section.

- b. DNR Communications Center will:
 - (1) Call Emergency Medical Services, if warranted.
 - (2) Call the Duty Officer in that Area
 - (3) Call the SOD Duty Officer

- c. Special Operations Division:
 - (1) Will normally conduct the criminal investigation of a shooting incident involving agency personnel. Allied agencies can be called upon for assistance as needed.
 - (2) Ensure that a criminal investigator is responding to the scene.
 - (3) The responding NRP CIS investigator will coordinate the collection and securing of the involved officer’s firearm. The firearm will not be removed from the officer’s possession until the scene is safe and secure. The firearm will not be taken in the presence of the suspect, a witness, or the media.
 - (4) Forward the completed investigative report through the chain of command to the Internal Affairs Unit for review.
 - (5) Complete and forward the Commanders Log as soon as practical.
 - (6) Ensure that any personnel entering the scene are either debriefed or complete a supplemental report.
 - (7) Communicate with the State’s Attorney’s Office, in reference to obtaining a declination letter – if warranted. Once obtained, this declination letter (indicating the State’s Attorney’s Office is declining to prosecute the officer for any wrongdoing) a copy will be immediately forwarded to the Deputy Superintendent, and the original will be placed into the case file by the investigator. If the State’s Attorney’s Office or Attorney General does not provide a declination notice based on their opinion or need for further investigation, this information will also be immediately conveyed to the Deputy Superintendent in writing.

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2. Area/Unit Commander:
 - a. The Commander for the Area/Unit of the incident shall proceed immediately to the scene, and;
 - b. Notify the Regional/Division Commander.
 - c. Assume command of the scene to the extent of the Agency's involvement.
 - d. Confer with the Internal Affairs Unit.
 - e. Arrange for the involved officer to receive a spare firearm if appropriate.
 - f. Arrange for the involved officer to be escorted home.
 - g. The officer will be placed on "Administrative Leave" and will sign an NRP-837 (Order – Administrative Duties & Restrictions). After being scheduled and meeting with a state psychologist and being released back to duty, the officer can then be placed on "Administrative Duty." This duty status can be found in Chapter 4, Section IV, C, 5, b, (6), Police Involved Shooting.
 - h. May utilize the services of the Critical Incident Stress Debriefing Team.
 - i. Ensure a first report of injury has been completed.
 - j. Ensure a command text page gets sent out as soon as practical.
3. Involved Officer's Regional/Division Commander:
 - a. Schedule Psychological Services for the involved officer within 24 hours or the next business day through the NRP Personnel Section who will make arrangements through DNR HR.
 - b. Shall serve or appoint another to serve as the direct liaison between the officer and the Agency concerning all matters related to appointments (interviews or depositions, psychological services, etc.) and assignments while the officer is in an administrative leave/duty status.
 - c. Ensure the agency PIO has been notified and updated accordingly.
 - d. Ensure the coordination with the involved officer and the NRP Training & Recruitment Unit (TRU) for a firearms judgmental course prior to the officer's return to duty. This course should build and instill confidence in the officer and should not simply serve as a qualification course of fire.
4. Natural Resources Police Internal Affairs Unit:
 - a. The discharge of a firearm by sworn personnel shall receive an Administrative Review to determine whether such action was in conformance with NRP policies and procedures. This is an administrative review. This does not automatically initiate an internal investigation – and therefore, no Form NRP-800 needs to be completed based solely on the officer involved shooting incident.
 - b. The Internal Affairs Unit Commander will have responsibility for the completeness of the firearms related administrative review.
 - c. The Internal Affairs Unit will maintain the records of incidents involving the discharge of firearms by sworn personnel under Sub-section E 1a and b of this Chapter.
 - d. All copies of reports shall be forwarded to IAU upon adjudication of criminal proceedings.
5. Critical Incident Stress Management services:
 - a. Officer(s) and their families/significant others will be offered the services of the Agency CISM team to undergo an emotional debriefing following the incident. The purpose of this debriefing will be to allow the officer to express their feelings and to deal with the moral, ethical, and/or psychological effects of the incident.
 - b. The officer's and the family CISM session will not be related to any Department investigation of the incident, and nothing will be reported to the Department without the involved officer's permission. The session will be protected as privileged information and will be treated as such.
6. Training & Recruitment Unit:

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- a. The NRP Training & Recruitment Unit (TRU) will oversee the involved officer's participation in a firearms judgmental course of fire, prior to the officer's return to duty. This course should build and instill confidence in the officer and should not simply serve as a qualification course of fire.
7. Return to Duty:
- a. Below is a list of steps necessary to re-instate the officer to "full-duty" status. This would include:
 - (1) Criminal investigation completed
 - (2) Review by Internal Affairs Division completed
 - (3) Letter of declination from State's Attorney / Grand Jury
 - (4) Release from State Psychologist / Psychiatrist
 - (5) Officer attends judgmental shoot with personnel from the Training & Recruitment Unit.

D. Deadly Force Review Board

1. Purpose

- a. The Deadly Force Review Board provides a critique to the Superintendent of any incident involving the use of deadly force by an Agency member. The purpose of the critique is:
 - (1) To evaluate factors which led to the use of deadly force and the events occurring before, during, and after the use of deadly force.
 - (2) To evaluate the adequacy of Agency policies and procedures on the use of force.
 - (3) To evaluate training, equipment performance, tactics employed supervision and investigatory procedures.
- b. It is not the purpose of the Deadly Force Review Board to gather evidence for criminal or administrative prosecution of individual officers, or to duplicate previous investigations or reviews of the incident.

2. Membership and Composition

- a. The Superintendent will appoint members to the Deadly Force Review Board. A separate board will be convened for each incident of deadly force. Membership consists of:
 - (1) A Major (review board chairperson).
 - (2) The Regional/Divisional Commander of the involved officer(s).
 - (3) The Commander of the Training and Recruitment Unit.
 - (4) The Commander of the Homeland Security and Criminal Investigations Unit.
 - (5) The Internal Affairs Unit Commander.
 - (6) Lead firearms instructor
 - (7) One officer the same rank as the involved officer(s).
 - (8) Commander of the Communication Center

3. Procedures

- a. The board will meet at the time, location, and date established by the chairperson.
- b. The Internal Affairs Unit Commander will present the case to the board. The case file will include the reports of the Criminal Investigations Unit, if applicable allied agency(s) and the Internal Affairs Unit.
- c. At the chairperson's discretion, the board may hear testimony from the involved officer(s), witnesses, investigators, or other applicable parties.
- d. Because the board is performing an administrative function, sworn personnel whose testimony is required will appear before the board in accordance with their requirement to obey lawful orders. In cases where the testimony of an individual who is not an employee is needed, compliance

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with the request to testify will be on a voluntary basis.

- e. Members of the board may not discuss the case under review with any person not authorized by the chairperson to have knowledge of the case.

4. Chairperson's Duties and Responsibilities

- a. Convene the board after any criminal and/or administrative charges have been resolved. If no charges are placed, the chairperson will convene the board at the earliest practical date.
- b. Notify board members of the date, time, and location that the board will convene.
- c. Summon witnesses and acquaint witnesses with the purpose and function of the board.
- d. Instruct board members as to the confidentiality of the material to which they will have access, their duties and responsibilities, and the procedures which will be followed.
- e. The chairperson may allow discussion of issues and details of the case with any person he or she deems necessary, in order that the board is fully and completely apprised of all circumstances bearing on the case.
- f. The chairperson will take reasonable steps to ensure that outside parties, such as expert witnesses, who are consulted on matters under review, do not divulge confidential information.
- g. The chairperson will function as a working member of the board during its deliberations, conclusions, and final recommendations. Should deliberations end in a deadlock the chairperson shall have the deciding vote.

5. Findings and Recommendations

- a. The board will come to a determination and will comment on the following facets of the incident under review:
 - (1) Tactical considerations.
 - (2) Quality of supervision.
 - (3) Training considerations.
 - (4) The quality of post-incident investigations and reviews.
 - (5) Review of the Agency's deadly force policy
- b. The board chairperson will prepare and submit the written findings and recommendations to the Superintendent within (15) working days from the time the board concludes its deliberations.
- c. The chairperson shall then review the recommendations with the Superintendent. Final recommendations approved by the Superintendent will be implemented by the chairperson.
- d. The chairperson will then submit the original report, in its entirety, along with a follow-up report to the Internal Affairs Unit where it shall be filed.

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. Service Guidelines:

- a. If an Officer has received a warrant directly from the District Court, and the warrant can be served immediately, the officer may hold the warrant for a maximum of 72 hours. The Warrant Control Coordinator will be advised for accountability purposes, and a copy of the warrant shall be faxed or scanned to the DNR Law Enforcement Records Center. If unable to serve, the

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warrant will be sent to the Warrant Control Coordinator in the records section.

- b. Extradition: Unless stipulated on the original warrant or required by law, Agency will not extradite on Failure to Appear Warrants. On felony or serious misdemeanor warrants, the Superintendent of the Agency or their designee, in conjunction with the States Attorney, will determine if extradition will be pursued prior to entry of the warrant into the MILES/NCIC System.
- c. Area Commanders will assign officers to schedule warrant service duty when necessary to clear a backlog of un-served warrants. Under no circumstances will original warrants be retained by officers during scheduled days off. Officers who are assigned to scheduled warrant service duty will insure that warrants in their possession are available for service by others during the entire time period when the warrants are checked-out to them. When warrants are assigned to an officer for service and are not on file in the NRP Area office, the DNR Communications Center shall be advised which officer the warrant is assigned to and the location of the warrant.
- d. As a matter of professional courtesy, when serving warrants in municipalities, notify the local police of your planned action in their jurisdiction. If serving the warrant may jeopardize an on-going operation of a local or state authority, the warrant will not be served until properly deconflicted. Pre-scheduled warrant service shall be conducted between 0600 and 2200 hours unless otherwise authorized by the NRP Area Commander or designee.
 - (1) The serving officer shall be in uniform unless otherwise authorized by the Area Commander.
 - (2) A minimum of two officers shall be used when attempting to serve a warrant.
 - (3) Officers will attempt to contact the defendant by telephone when such action will not jeopardize service of the warrant. If telephone contact is made, advise the defendant of the warrant status and offer them the opportunity to satisfy the warrant without service.
- 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. An arrest may be made at the defendant's residence by the serving officer without a Search Warrant. Search of the premises for the defendant may be made without a Search Warrant only when:
 - (1) The Officer has probable cause to believe the defendant is inside or,
 - (2) Legal consent to search has been obtained, or
 - (3) The situation falls under the emergency exception to the warrant requirement.
- h. Third Party Premises: In order to search the premises of a third party (friend's residence, place of employment, etc.) for the defendant named on the arrest warrant, the officer shall:
 - (1) Obtain consent to search from the person in legal control of the premises,
 - (2) If consent is denied and there is probable cause to believe the defendant is on the premises, obtain a Search Warrant.

F. 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.

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- b. Initial certification shall be performed as soon as possible after the vehicle is acquired.
- c. Recertification shall be performed once every ninety (90) days, or whenever modifications are made to the vehicle that may affect the accuracy of the speedometer. Modifications that may affect the accuracy of a speedometer include, but are not limited to the following:
 - (1) Tire changes to one or both of the drive wheels.
 - (2) Repair or replacement to any component of the vehicle's drive train:
 - (3) Transmission.
 - (4) Transfer case.
 - (5) Drive shaft.
 - (6) Differential
- d. 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.

G. Vehicle and Vessel Stops

There are many law enforcement agencies in Maryland tasked with traffic enforcement. The Natural Resources Police is the only agency in Maryland tasked with enforcing Maryland Natural Resources Laws. The enforcement of the Maryland Transportation Article is not a mission priority for the NRP and can take away from accomplishing the primary mission of the agency.

- 1. Officers may enforce Transportation Article violations during the following circumstances.
 - a. If the enforcement is for applicable traffic violations occurring within the boundaries of DNR managed lands and is necessary to protect the wildlife and visitors of those state lands.
 - b. For special details, as approved by a commander, that target specific traffic violations associated with mission-specific enforcement or are part of an enforcement grant.
 - c. As a pre-textual stop to investigate a potential natural resources violation.
 - d. To accomplish a training objective.
 - e. When a violation constitutes a clear and present danger to the lives or the safety of others.
 - (1) It is recognized that certain traffic violations such as reckless, negligent, aggressive, or impaired driving may occur in the presence of an NRP officer and require immediate action.
 - (2) The immediacy and level of threat to the public is a consideration in determining the appropriate law enforcement response.
 - (3) Exceeding the posted speed limit by itself may not necessarily constitute a clear and present threat to the lives and safety of others.
- 2. Officers will not initiate traffic stops for non-egregious moving violations, equipment violations, commercial vehicle violations, other non-moving violations occurring on non-DNR land unless they meet the criteria in number 1 above. Warnings and Citations for these violations may be issued when there are multiple violations in conjunction with reckless, negligent, aggressive or impaired driving or as part of an enforcement action targeting natural resources enforcement.
- 3. Any NRP Officer initiating a motor vehicle stop must comply with the Transportation Article of the

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Annotated Code of Maryland, and adhere to the following:

- a. The Officer shall consider a stop that minimizes the potential for personal injury or damage to state or private property.
- b. When the traffic stop is conducted by vehicle, the vehicle should have the following fully functional and operational equipment:
 - (1) Emergency Lights
 - (2) Siren
 - (3) Police Radio
- c. The officer will call into the appropriate Communication Center with the following information
 - (1) Vehicle tag number and brief vehicle description
 - (2) Location of stop
 - (3) Number of occupants
- d. The officer shall document the reason for initiating the traffic stop in the CAD.

4. 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.

5. 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*.

6. When the driver of a vehicle presents an International Driver's License, an officer will request the driver's foreign driver's license; an International Driver's License is not a government-issued identification and does not authorize the person to drive a vehicle in the State of Maryland.

7. A traffic stop may not be initiated, prolonged or detained for the questioning related to a person's immigration status.

8. Definitions

- a. Investigative Stop - a stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another officer or by an independent investigation.
- b. Enforcement Stop - a stop initiated as a result of an observed violation of natural resources, criminal or traffic code.
- c. Reasonable and Articulable Suspicion - actions taken by the officer must be reasonable under the existing circumstances and based on the officer's knowledge at the time. Officers must be able to point to and describe the specific factors that raised suspicions and led them to take action in connection with the stop.
- d. Whren or Pretext Stop - the U.S. Supreme Court has determined that a law enforcement officer who observes a traffic violation may stop the violator, even though the true reason for the stop is the officer's interest in investigating whether the motorist is involved in other criminal activity. The constitutional reasonableness of a traffic stop does not depend on the actual motive of the individual officer. These types of traffic stops are known as Whren or Pretext stops.
- e. Seizure - in the context of vessel and vehicle stops, a seizure takes place when an officer makes an investigative or enforcement stop. Seizures during all vessel and vehicle stops are subject to constitutional constraints.
- f. Subsequent Seizure - this form of seizure occurs when the original reason for the stop has been satisfied and the officer continues to detain the motorist and passenger(s). Once the underlying basis for the initial stop has concluded, an encounter between the police officer and the vehicle's

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driver and/or vehicle's passenger(s) that implicates the Fourth Amendment is constitutionally permissible only if (1) the driver and passenger(s) consents to the continuing intrusion, or (2) the officer has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot.

H. Traffic Crash Investigations and Accident Reporting

1. The NRP has the primary responsibility to investigate traffic accidents that occur on DNR managed lands.

2. Officers will investigate and complete an ACRS (Automated Crash Reporting System) report, in addition to any other required reports for any traffic collision occurring on DNR managed land when any of the following conditions exist:

- a. Death or injury is expected, imminent, or known to exist;
- b. An involved driver is believed to be intoxicated or under the influence of alcohol or drugs;
- c. Damage to government vehicles or property;
- d. Collisions involving hazardous materials;
- e. Any vehicle is damaged to the extent that towing is required;
- f. In any collision where the investigating officer charges any party with a violation;
- g. Hit and run, as explained in the next paragraph.

3. Hit and Run Collisions Involving Property Damage will be investigated and reported as follows:

- a. All hit-and-run collisions involving property damage where there is information regarding a suspect vehicle will be fully investigated and reported.
- b. In hit-and-run collisions involving property damage where there is no suspect vehicle information, the officer will advise the complainant that Maryland motor vehicle law requires a report to be submitted only in cases involving death and bodily injury. The officer will provide the complainant with an Incident Number for insurance purposes.
- c. If the criteria from above are not met based on the facts known at the time of the response, officers will:
 - (1) Refrain from making any comments or offering any advice concerning the collision.
 - (2) Attempt to obtain necessary information from any independent witnesses to the collision.
 - (3) Exchange license and registration information using an E-tix exchange form. If unavailable, use NRP-405 Non-Investigative Accident Information Sheet.

4. For accidents that occur on non-DNR managed lands, the investigation should get referred to the appropriate law enforcement agency having jurisdiction; however, if a vehicle accident requires only an exchange of information and the estimated response time of local law enforcement is not imminent, NRP officers may complete the E-tix exchange form to decrease risks to public safety and expedite the return of safe traffic flow.

I. Pursuit of Vehicles/Vessels

1. Definitions:

- a. Marked Vehicles/Vessels - A vehicle or vessel that is plainly and prominently marked with the Agency's name, emblems, license plates and emergency equipment designating it as a law enforcement vehicle or vessel.
- b. Unmarked Vehicles/Vessels - All vehicles or vessels not displaying the Agency's name, emblems or license plates but equipped with emergency equipment.
- c. Roadblock - Any method, restriction, or obstruction of a roadway/waterway utilized for the purpose of preventing the passage of motor vehicles/vessels on said highway/waterway in order

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to affect the apprehension of a suspected violator in a motor vehicle/vessel.

- d. Emergency Vehicle/ Vessel - Subsection 21-106 of the Maryland Transportation Article and NR Article 8-727 provide certain privileges for drivers/operators of emergency vehicles/vessels including Law Enforcement vehicles/vessels, and contain certain provisions for compliance.

2. Emergency Driving

- a. NRP employees will operate Agency motor vehicles and vessels in a safe manner and in accordance with the provisions of the law at all times.
- b. The definition of life and death emergencies is those instances where the presence of a law enforcement officer could actually save a life, and wherein seconds could make a difference. It shall also include those instances wherein another officer has placed a call for assistance, and where a life-threatening situation is in progress or has just occurred.
- c. Posted speed limits may be exceeded in life and death emergencies consistent with safety and statutory exemptions granted to an authorized emergency vehicle/vessel when the vehicle/vessel is making use of audible or visual signals and the operator has been trained in vehicle/vessel defensive and pursuit driving. The audible and visual signals will be supplemented by lighted headlamps in Agency vehicles.

3. Classifying calls for Service

The following priority response codes are available to direct response:

- a. A *Priority 1* call directs an expeditious response and authorizes the use of emergency lights and siren. Operations of a vehicle or vessel during an emergency response must conform to the requirements of section 21-106 of the Transportation Article.
 - (1) A Priority 1 response is usually prompted by one of the following requests for assistance:
 - (2) All instances in which the safety of an officer is directly threatened.
 - (3) All situations where there are reasonable grounds to believe human life is in peril and where the police have the primary responsibility for acting.
 - (4) Other situations where an emergency response could prevent loss of life or serious injury.
- b. A *Priority 2* response is one directing personnel to respond within the posted speed limit. Emergency equipment may be used in certain instances to facilitate response and to expedite movement through traffic if the officer considers it appropriate.

4. Vehicle/ Vessel Pursuit:

- a. A vehicle/vessel pursuit occurs whenever an officer disengages from routine patrol operations with the intention to pursue and stop a violator of the law. This definition considers two types of pursuit:
 - (1) *Normal pursuit* - pursuit of a violator after a violation has been observed, the operator is signaled to stop and complies.
 - (2) *Extended/high-speed pursuit* – pursuit of a violator after a violation has been observed, the operator attempts to avoid arrest by fleeing in their vehicle/vessel or ignores, or fails to comply with the officer’s signal to stop.
- b. Policy:
 - (1) It is the policy of the Agency to permit officers to engage in a pursuit when it is necessary to apprehend a violator of the laws of this state. Extended high-speed pursuit is a sanctioned enforcement technique. It is better to disengage from a pursuit than become involved in unreasonable risk-taking. The nature of the violation, potential for personal injury, and damage to personal property, must be weighed against the need for immediate apprehension

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- of the suspect, the urgency of the pursuit, and the tactics employed by the pursuing officer.
- (2) Agency policy permits the officer the use of wide latitude in deciding to pursue and, after pursuit has begun, choosing the manner and methods of conducting the pursuit. Although State law and Agency policy permit an officer who is engaged in vehicle/vessel pursuit to disregard traffic/boating laws, they do hold them responsible to drive with due regard for the safety of others, and do not protect them from the consequences of their reckless disregard for the safety of others.
- c. Officers shall not conduct extended/high-speed pursuits when the pursuit is solely based upon a violation of the traffic code.
 - d. No officer may engage in a pursuit while towing another vehicle/vessel.
 - e. Limitations:
Many factors affect one's decision to begin, continue, or abandon a pursuit. They include:
 - (1) The nature of the offense.
 - (2) The officer's ability to operate at high speed over extended distances.
 - (3) The characteristics of the highway/ waterway and the officer's familiarity with the highway/ waterway.
 - (4) The performance characteristics of the vehicle/vessel and those known of the vehicle/ vessel being pursued.
 - (5) Traffic density.
 - (6) The danger to the public.
 - (7) Weather conditions.
 - f. Procedure for pursuit:
 - (1) Attempt to apprehend the violator as soon as possible to minimize the hazard of their violation. Utilize all emergency equipment when a normal pursuit escalates into an extended/high-speed pursuit.
 - (2) The officer initiating a pursuit shall notify the DNR Communications Center, as soon as reasonably possible, that a pursuit is underway and provide the following information:
 - (a) Location, speed, and direction of travel.
 - (b) Vehicle/vessel description, including registration number, if known.
 - (c) Number of occupants.
 - (d) The nature of the violation or the circumstances for the initiation of the pursuit.
 - (3) The DNR Communication center will notify the duty officer/supervisor of the Area where such pursuit is taking place so they may monitor and supervise its progress.
 - (4) The duty officer/supervisor may assign additional units and any other resources available to assist with the pursuit. As soon as the duty officer/supervisor gives notice that they are taking control of and monitoring the pursuit, no other patrol vehicles/vessels may become involved in the pursuit without the express approval of the duty officer/supervisor.
 - (5) The primary responsibility of the Supervisor or Duty Officer is the safety of the officer and public. The duty officer/supervisor shall have the authority to direct the course of the pursuit or to cancel it.
 - (6) If a pursuit is warranted, an officer operating an unmarked vehicle/ vessel will permit a marked vehicle /vessel to assume control of the pursuit, once they become available.

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- (7) Due to the performance characteristics of 4x4 and SUV patrol vehicles, these vehicles shall not be routinely utilized in high- speed pursuit situations.
- (8) Officers must operate these vehicles keeping their performance characteristics in mind.
- (9) An officer should attempt to keep the fleeing vehicle in sight, and provide appropriate information to the responding units.
- (10) An officer carrying passengers or prisoners will not become involved in a high-speed pursuit except when the passengers are:
 - (a) Law enforcement personnel.
 - (b) Agency cadets or police communications operators.
 - (c) Other persons specifically authorized by the Agency.
- (11) All pursuing officers shall advise the DNR Communications Center of their participation. They shall maintain contact and relay all information that will assist in apprehending the violator.

5. Officers shall abandon pursuit:

- a. At the direction of the Duty Officer/Supervisor.
- b. The risk to the officer the public are unnecessarily high.
- c. The risk is inconsistent with the severity of the violation.
- d. The highway/waterway and environmental conditions are not conducive to continued safe pursuit.

6. Emergency vehicle operation and tactics:

- a. Offensive tactics - in the course of a pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, or ramming shall be prohibited except when the use of deadly force is warranted. The tactics of boxing in and heading off may be used in a pursuit of a vessel if traffic conditions are conducive.
- b. Passing - there shall be no attempt by an officer to pass other units involved in a pursuit unless the passing officer receives specific permission from the primary unit. If the primary unit is an unmarked vehicle, then the first marked vehicle to become actively involved in the pursuit will become the primary unit as soon as it is practical to do so.
- c. Number of Police Vehicles - the primary unit or duty officer/supervisor shall determine the number of NRP vehicles/vessels needed for the active pursuit.
- d. Roadblocks - the use of roadblocks must be authorized by the duty officer/supervisor. Generally, a roadblock will be employed only as a last resort. The use of a roadblock must be directly associated with the seriousness of the crime for which the suspect is wanted. The roadblock must be clearly visible and provide adequate warning to allow vehicles/vessels to come to a safe stop. The roadway shall not be completely blocked unless the use of deadly force is warranted. Personnel must exit their vehicle when it is used as a roadblock.
- e. Aerial assistance - aerial assistance will be utilized if available. The air unit shall direct the movement of the primary unit and coordinate assistance of other ground units involved in the pursuit.

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7. Reporting Requirements

- a. Whenever an NRP officer initiates an extended/high speed pursuit they shall complete an NRP-855 (Vehicle / Vessel Pursuit Report), and within 24 hours of the incident submit it through their chain of command. Original signatures are required.
- b. The Pursuit Supervisor and any officer assisting the initiating NRP officer in the extended/high speed pursuit shall detail their actions taken by completing an RMS Incident Report, within 24 hours of the incident.
- c. Copies of the NRP-855 and all related reports shall be forwarded through the chain of command to the Superintendent and the Internal Affairs Unit.

8. Vehicle Pursuits Across State Jurisdictional Boundaries.

- a. In general, an officer may only conduct a pursuit across state boundaries if the officer is in fresh pursuit of a person who has committed a felony, is reasonably believed to have committed a felony, or has committed a misdemeanor in the presence of the law enforcement officer in the jurisdiction in which the law enforcement officer has the power of arrest.
- b. According to § 2-304 of the Criminal Procedure Article, Annotated Code of Maryland, the term “fresh pursuit” includes the following:
 - (1) Fresh pursuit as defined by the common law; and
 - (2) Pursuit without unreasonable delay, but not necessarily instant pursuit, of a person who:
 - (3) Has committed or is reasonably suspected of having committed a felony; or
 - (4) Is suspected of having committed a felony, although a felony has not been committed, if there is reasonable ground for believing that a felony has been committed: or
 - (5) Has committed a misdemeanor in the presence of the law enforcement officer in the jurisdiction in which the law enforcement officer has the power of arrest.
- c. A pursuing officer must be aware of the following when engaging in pursuit of a violator across state boundaries:
 - (1) The officer must realize that they have no police powers outside of the State’s boundaries, except in situations defined by law, i.e., fresh pursuit, extradition, etc., and hence are bound by the laws of the jurisdiction entered.
 - (2) The officer must realize that the ultimate decision to pursue or not is theirs to make, and that they assume a personal liability in the event their actions are judged improper or illegal.

9. Vessel Pursuits Across Maryland/Virginia State Water Boundary.

- a. In accordance with § 1-210 of the Natural Resources Article, Annotated Code of Maryland, when a violation of the Natural Resources Article occurs on the waters of Maryland, and the offender flees into Virginia, an officer may pursue the offender across the State’s boundaries into Virginia.
- b. If a capture is made in *continuous pursuit*, then the offender, vessel, and property shall be dealt with as authorized by the laws of the state in which the offense was committed.

J. Game, Fisheries, and Sobriety Checkpoints

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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.

- a. The relative safety of a particular location for citizens as well as Agency personnel will be the primary consideration when selecting the location.
- b. Officers will wear reflective safety vests while engaged in vehicle traffic direction.
- c. Warning signs designed to give advance notice of the impending stop will be conspicuously displayed.
- d. Sites selected shall have a safe area for stopping of vessel operators or motorists and must afford oncoming traffic sufficient sight distance for the operator/driver to safely stop upon sighting the stopping team.
- e. The location selected must be approved by the Bureau Commander.
- f. Barricades will not be used to block on-coming traffic.
- g. The locations of scheduled checkpoints will be kept confidential, but the use of this enforcement strategy should be widely publicized to serve as a deterrent to potential conservation law violators.
- h. An officer the rank of Sergeant or above will be assigned to each checkpoint operation and shall be on the scene to supervise and direct the enforcement activities. Each site will be manned by a sufficient number of uniformed officers to maintain a safe and effective operation.
- i. Generally, checkpoints will be maintained for no more than a 4-hour period unless the checkpoint causes significant traffic congestion at the site or circumstances arise that would warrant cancellation of the assignment as determined by the on-scene officer in charge.
- j. A record of the traffic volume passing through the checkpoint will be maintained at each checkpoint.
- k. Immediately after each checkpoint the on-scene officer in charge will be responsible for submitting a RMS incident report and NRP 504 to their Bureau Commander. This report will be used for reporting the results of the checkpoint assignment to the media. The report will include the number of Operation hours, number of vehicles contacted, and the number and type of

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citations or warnings issued the number and type of other violations, specific location, and any other information noteworthy and relevant to the assignment.

1. As a rule, no action should be taken if a vessel operator approaching the checkpoint turns around or turns off the waterway before approaching the checkpoint.

K. 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.

2. Vessels in distress or disabled vessels without the ability to communicate by VHF radio or cell phone will be assisted as quickly as possible.

3. Any disabled vessel in a non-emergency situation that is equipped with a VHF radio or cell phone capable of contacting commercial assistance will not be assisted by NRP unless the commercial assistance is not available within one hour.

4. When immediate assistance cannot be provided to a disabled vessel or a vessel in distress, NRP is responsible for advising the vessel of the approximate time that assistance will be available.

5. Disabled vessels will be towed to the nearest safe harbor. If the operator of the disabled vessel wants to go beyond the nearest safe harbor, the NRP will assist in obtaining commercial assistance for that purpose.

6. A boat under tow by a NRP vessel will not be turned over to commercial assistance unless requested by the owner or operator of the vessel being towed.

7. If adequate commercial assistance reaches a disabled vessel before the arrival of an Agency vessel, the NRP will not render assistance unless, in the opinion of the senior NRP officer present, failure to assist the vessel would endanger life or property.

8. If an owner/operator of a disabled vessel in a non-emergency situation requests commercial assistance, assistance from a friend or any party other than the NRP, the NRP will assist in making contact with the requested party.

9. All NRP personnel who respond to a disabled vessel will inquire of the disabled vessel's captain as to whether commercial assistance has been called or requested.

10. In the cases where commercial assistance has been summoned and the conditions or nature of the situation as determined by the senior NRP officer on the scene poses a foreseeable threat to life or property, the NRP will provide assistance. In the latter case, the commercial firm that is responding shall be notified of this fact.

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11. A list of commercial firms that is approved by the U.S. Coast Guard will be maintained in the DNR Communication Center. All NRP requests for commercial assistance will be made through the DNR Communications Center.

12. When requested, the DNR Communications Center will call commercial assistance located in the geographical zone where the assistance is needed. If no specific commercial firm is requested by the vessel needing assistance, the police communications operator will call the commercial firms in rotating order. The procedure for the rotating order will be managed to ensure that all commercial firms will be given equal opportunity to provide assistance.

13. When the DNR Communications Center receives a request for assistance from a disabled vessel that is a non-emergency, they shall first contact commercial assistance. If commercial assistance is not available or unable to respond in an hour, a NRP unit will be dispatched to assist the disabled vessel.

14. The DNR Communications Center shall enter which commercial assistance company is responding and the time the company was contacted.

L. 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.

M. 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.

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.

N. 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.

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- (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.

O. 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.

P. 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:
 - (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)

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Q. 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

R. 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.

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 RMS "Aversive Conditioning of Nuisance Black Bear/Use of Rubber Buckshot" form template shall be completed after each use of rubber buckshot.

S. Maryland Wildlife Crime Stoppers

1. Maryland Wildlife Crime Stoppers (MWCS) is an independent non-profit organization affiliated with the International Wildlife Crime Stoppers. MWCS was established to increase public awareness of the impact of illegal harvesting of fish and wildlife populations, and encourage anyone with knowledge of these activities to connect with Maryland Natural Resources Police.

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2. Citizens who supply Maryland Wildlife Crime Stoppers with information leading to the arrest and conviction of a suspect are eligible to receive cash rewards made at the determination of the MWCS.
3. All MWCS complaints will be forwarded to the DNR Communications Center to ensure proper handling and CAD coding. Officers will not self-generate MWCS CAD's.
4. The MWCS program guarantees the anonymity of the caller. In order to ensure anonymity, officers will adhere to the following protocol:
 - a. The DNR Communications Center will create a MWCS CAD entry.
 - b. The DNR Communications Center will then create a second CAD entry for the type of activity called in by the tip.
 - c. The second CAD assigned to the specific activity type will be assigned to the officer and will be the CAD in which any necessary reports are generated.
 - d. The DNR Communications Center will disseminate calls originating from the MWCS complaints to officers via an MDT
 - e. If an officer is unable to receive the information via MDT, the PCO will request officers to call in to the Communications Center to receive information.
 - f. The name, address or phone number of a MWCS complainant will not be transmitted via the radio.
5. The Superintendent will appoint a member of the NRP to serve as a liaison to the Maryland Wildlife Crime Stoppers.
 - a. The liaison will coordinate the sharing of information to MWCS.
 - b. The MWCS liaison will be responsible for tracking and following up on all data collection related to MWCS CADs.

T. 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.

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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.

U. 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.

V. 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

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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.

W. 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.

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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 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.

X. 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:

a. The following procedure will be followed by Natural Resources Police personnel when receiving and responding to all Security Alarm Calls that occur on areas managed by the Maryland Department of Natural Resources:

b. When a security alarm is activated, the alarm company will call the DNR Communications Center via telephone.

c. If the security alarm call is received during normal operation hours, the PCO will notify that facility of the alarm activation. If an employee is aware of the reason for the activation and that it is false or accidental the incident will be determined unfounded and no further action is necessary.

d. An employee of the involved facility will be notified to respond for the purpose of determining the extent of any damage or documentation of missing property after entry to the building has been deemed safe by law enforcement personnel.

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- e. The responding officer will respond Priority 2 to all security alarms unless exigent circumstances exist.

Y. 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.).

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:

- a. Coordination will be conducted by the NRP "Flight Coordinators" and made as far in advance as possible by contacting the Director or Deputy Director of Flight Operations at MSP Aviation Command.

(1) On weekdays and during normal business hours contact can be made by the following methods:

- (a) Office phone #: 410-238-5800
- (b) Office fax #: 410-238-5809
- (c) Email: aviation@mdsp.org

(2) On weekends or after normal business hours contact can be made by contacting the SYSCOM duty officer at the following non-emergency telephone numbers:

- (a) Office #: 410-783-7525
- (b) Fax #: 410-706-4209.

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. NRP Flight Coordinators will ensure the NRP Aviation Flight Request form (NRP-443) is filled out completely to include an NRP incident number and emailed to aviation@mdsp.org, to the attention of the MSP Director and Deputy Director of Flight Operations at MSP Aviation Command's Flight

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Operation Division. MSP will assign a flight mission number, validate the request, and send a returned acknowledgement to the originator via email. Once received, the Flight Coordinator will update the incident number in the NRP CAD under Assist Category-19, Code-43- "MSP Flight Request". The Status Code "M" will only be utilized when MSP has "denied the request."

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.

Z. 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.

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- 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.
- d. Report Distribution.
 - (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:
 - (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.

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- 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.

AA. 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.

BB. 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

FORM NUMBER	NAME	LAST REVISED
<u>DC-CR-002</u>	<u>Statement of Charges, Police Form</u>	4/2017
<u>DC-CR-002A</u>	<u>Statement of Charges, Continuation Form</u>	4/2017
<u>DC-CR-004</u>	<u>Statement of Probable Cause/Arrest on Traffic/Natural Resources/Mass Transit Citation</u>	4/2002
<u>DC-CR-004A</u>	<u>Statement of Probable Cause, Continuation Sheet</u>	4/2002

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DC-CR-045	Uniform Criminal Citation	4/2017
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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.

BB. Boating Safety Check Points:

1. This section will address the provisions provided by the State Boat Act, NR 8-727(b) and further details the proper procedure required when conducting check points under that authority.

The State Boat Act NR-8-727(b) states:

- (b) *Authority of officers generally*, - A Natural Resources police officer or any law enforcement officer enforcing the provisions of this subtitle may stop, board, or inspect any vessel subject to this subtitle.

To bolster the constitutionality granted by NR 8-727(b) and fall in line with neighboring State case law, the Maryland Natural Resources Police will conduct check points under this authority while adhering to the guidelines and procedures listed below. Specifically:

- a. Officers will use non-threatening language when communicating with a citizen during a safety inspection;
- b. When feasible, the Agency will provide public notice before conducting vessel safety inspections;
- c. Officers will limit vessel safety inspections by a set time period;
- d. Officers will limit vessel safety inspections by a set geographical location;
- e. Officers will utilize a required equipment checklist during safety inspections and provide a copy to the public if requested;
- f. Officers will avoid boarding vessels and remain on the public areas (above deck) if boarding is required to perform the safety inspection;
- g. Officers will not utilize the use of random safety inspections in waters where fixed safety checkpoints would be feasible or where a vessel does not have open access to the Sea.

2. In the endeavor to reduce boating-related injuries and increase awareness of boating safety, officers may utilize the authority granted by NR 8-727(b). The Area Commander shall authorize approval for specific geographical locations and time periods. The use of this enforcement strategy shall be in

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conformance with these procedures.

- a. The relative safety of a particular location for citizens as well as Agency personnel will be the primary consideration when selecting the location;
- b. Officers will conduct inspections in the most efficient way to reduce the impact on the public;
- c. Sergeants will submit operations plans to the Area Commander for approval, prior to enforcement operations;
- d. Operations plans will contain a minimum of:
 - (1) Specified location.
 - (2) Specified allotted time, specific dates and time can be denoted as “To be determined” or TBD.
 - (3) Operations ID number (OP-ID#, *example: OP-ID# 2019 1-04-01, referencing the year, Area, District and approved location*).
 - (a) Multiple operational plans may be submitted per District for different locations, each referenced in a successive OP-ID # (*example: OP-ID# 2019 1-04-02, referencing Area 1, District 04, and location 02*).
 - (b) Approved operations plans will remain on file at the Area office for the calendar year.
 - (4) Map highlighting the specific location boundaries.
 - (5) Radio frequency.
 - (6) Uniform.
- e. A minimum of (2) two patrol vessels will be scheduled per patrol;
- f. Sergeants will schedule patrols based upon approved operations plans;
- g. Prior to beginning a patrol, the lead officer will open a “Saturation Patrol” CAD.
- h. The proper procedure for using the “Saturation Patrol” call type is as follows:
 - (1) The lead officer opens the "Saturation Patrol" CAD.
 - (2) OP ID#, location, officers involved, vessels, air-support are added.
 - (3) Officers conduct the patrol.
 - (4) Officers shall stop and inspect as many vessels as possible within the set location and timeframe.
 - (5) Upon making an enforcement contact, the officer involved will open a NEW incident. (*DO NOT CLOSE the Saturation Patrol CAD*).
 - (6) The new incident should properly reflect the activity, (*commercial inspection, vessel stop, traffic stop, recreational fisheries, boating safety inspection, etc..*)
 - (7) New CADs will flow according to standard procedure with one exception; upon completion, the officer will advise the PCO to “LINK” the new CAD to the Saturation Patrol CAD. (*Officers **MUST** verbalize the keyword “LINK” to the PCO upon closure*).
 - (8) When the check point is complete, the lead officer will close the “Saturation Patrol” CAD and provide the Boating Inspections disposition for the type of activity.
- i. Officers will utilize a “Maryland Required Equipment Checklist” for reference when completing inspections.
- j. If available and sea conditions allow, Vessel Safety Check (VSC) forms may be completed and decals can be issued to those vessels meeting safety standards.
- k. Officers will provide Boating Safety outreach material upon request to inspected vessels.
- l. Officers will promote the use of Life Jackets.

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- O. Injured, Sick, Nuisance, or Dangerous Animal Incidents
- P. Captive Wildlife Inspection Procedure
- Q. Aversive Conditioning of Black Bears
- R. Maryland Wildlife Crime Stoppers
- S. Enforcement Guidelines For Imported Crabs
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- 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
- BB. Boating Safety Checkpoints

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. LDT Portal
- F. Courts System
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- I. CAD System & RMS Program
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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
3. METERS - Maryland Electronic Telecommunications Resource 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.

6. NLETS – National Law Enforcement Telecommunication System.

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, their rank (if applicable), and their name.

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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. LDT Portal

The LDT Portal can be utilized to access the following:

1. Hunting licenses and stamp information
2. Hunting licenses and stamp information
3. Recreational fishing licenses and stamp information
4. Commercial fishing license information
5. Saltwater Angler information
6. Off-road Vehicle information
7. Deer and Turkey Harvest information
8. Bear Hunting lottery information
9. Boat Registration
10. Boat Dealers

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

1. Purpose

This policy is designed to provide guidelines for a Common Language Protocol system (plain language) so that on multijurisdictional incidents all involved personnel will understand what is being communicated.

2. Policy

The Maryland Natural Resources Police has abolished the use of the 10 code system and now utilizes the Common Language Protocol. This protocol ensures that during a multi-jurisdictional incident or anytime different agencies must communicate through the radio system; everyone involved understands what is being communicated.

3. Signals

As an exception to the Common Language Protocols, three caution codes will be used to provide for officer safety and disseminating sensitive information. The signals and their definitions are listed below:

- a. NCIC Code 1 – APPROACH WITH CAUTION.
Subject should be arrested immediately. Contact the Terrorist Screening Center immediately.
- b. NCIC Code 2 – APPROACH WITH CAUTION.
Subject may be associated with terrorism or terrorist activities. Subject may be detained for a

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reasonable amount of time and interviewed. Contact the Terrorist Screening Center immediately.

- c. NCIC Code 3 – APPROACH WITH CAUTION. DO NOT ALERT THIS INDIVIDUAL TO THIS NOTICE.

Do not arrest unless there is evidence of violations of federal, state, or local statutes. The Terrorist Screening Center can be contacted for additional guidance.

4. Maryland Coordination and Analysis Center (MCAC) personnel should be contacted for assistance when any of the aforementioned NCIC codes are used to detain individuals.

5. Authorized Caution Codes will be utilized for broadcasting officer safety information and may be utilized during police/violator contacts. This information is contained in the “HOT FILES” and CRIMINAL HISTORY FILES.

NCIC Caution Codes	
Code	Caution Code Description
A	Armed
B	Dangerous
C	Mental
D	Armed / Mental
E	Suicidal
F	Armed / Suicidal
G	Resists Arrest
H	Armed / Resists
I	Dangerous / Resists
J	Mental / Resists
K	Suicidal / Resists
L	Approach With Caution
M	Assaults Police Officers
N	Drug User / Seller

- a. The information given to support the use of a caution code should have some verifiable foundation from which it is offered. Materials contained in data base files such as CJIS or other supporting information (e.g. investigative reports or arrest records) may be used as justification for a caution code descriptor.
- b. The code, “N,” by itself, does not constitute probable cause or a reasonable articulable suspicion that the person is involved in criminal conduct.
- c. These caution codes are the only codes authorized to disseminate officer safety information.
- d. Police Communications Operator’s (PCOs) will only say, “Caution Codes Not On File” when there is no history or no propensity for violence in criminal history.

6. Officers are to utilize the following plain language wording to advise the Communications Center when they are starting and ending their tour of duty, and also when they are in or out of their vehicles and vessels.

- a. Beginning/Starting Tour of Duty is to be used when an officer is starting their tour of duty.
- b. Ending Tour of Duty is to be used when an officer is finished their tour of duty.
- c. Out of Service is to be used when an officer is out of their vehicle or vessel and the officer MUST advise at what location; i.e., Court, Jiffy Lube, Home, Headquarters, etc.
- d. In Service is to be used when an officer is in their vehicle or vessel and the officer must advise

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from what location.

7. These changes will help eliminate confusion and will enable the Communications Center to effectively keep track of an officer's location which will promote overall officer safety.
8. The following **Standard Phonetic Alphabet** will be utilized when conducting radio communications:

Standard Phonetic Alphabet	
Letter	Phonetic
A	Alpha (AL fah)
B	Bravo (BRAH voh)
C	Charlie (CHAR lee)
D	Delta (DELL tah)
E	Echo (ECK oh)
F	Foxtrot (FOKS trot)
G	Golf (GOLF)
H	Hotel (HOH tell)
I	India (IN dee ah)
J	Juliet (JEW lee ett)
K	Kilo (KEY low)
L	Lima (LEE mah)
M	Mike (MIKE)
N	November (no VEM ber)
O	Oscar (OSS car)
P	Papa (pah PAH)
Q	Quebec (keh BECK)
R	Romeo (ROW me oh)
S	Sierra (SEE air rah)
T	Tango (TANG go)
U	Uniform (YOU nee form)
V	Victor (VIK tah)
W	Whiskey (WISS key)
X	X-ray (ECKS ray)
Y	Yankee (YANG key)
Z	Zulu (ZOO loo)

9. The use of 10-4 to acknowledge a transmission will continue. This 10 code has been deemed universal and should not cause any problems during inter/intra-agency communications.
10. All other radio communications will be conducted using plain English.
11. Professional tones and communications will be utilized at all times. The use of jargon and/or slang terms to include abbreviations will not be used.

H. Officer / Unit Location Notification

1. Boat Patrols
 - a. Before getting underway aboard any Agency vessel, personnel shall provide the Communications Center with the radio ID number of each officer aboard the vessel and the

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vessel's NRP number. Personnel shall also provide the geographic location in which they are anticipating working their shift. Provide confirmation that AIS is functioning properly.

- b. It will be the responsibility of the officers to keep the Communications Center abreast of any deviations to the area in which they are patrolling, and to notify the Communications Center when their patrol has ended.
2. Other Patrols
 - a. Before exiting their patrol vehicle or vessel to conduct foot patrols, ATV patrols, inspections, or any other form of patrol, officers shall provide the Communications Center with their specific geographic location, the fact they will be away from their vehicle / vessel, what, if any, means of communication they have at their disposal (radio, phone, etc.), and a brief description of the activity they will be engaged in; i.e., checking pier fishermen, hunters etc.
 - b. Upon completion of their patrol or inspection, officers shall notify the Communications Center that the patrol or inspection has been completed; and they are back in service in their primary unit.

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. 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

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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. Officers who are having problems or issues with their Mobile CAD system, GPS/AVL system, or RMS program shall immediately report the problems by email to Law Enforcement Tech Support (letechsupport.dnr@maryland.gov), and the officer shall send a copy of the email to the officer's supervisor. Officers will also notify Communications Center personnel and advise them of the problems they are having prior to the beginning of each shift.
 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. Officers assigned to Support Services and Special Services shall be exempt from completing an RMS Daily Log.
 10. All officers, the rank of Sergeant and below, are to obtain a CN-2 Certification through the Communications Center and keep it active.

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J. Access to Communications Center Computer Systems

1. For purposes of this policy and procedure the Communications Center computer systems include the following:
 - a. BARD
 - b. CAD
 - c. CommandBridge
 - d. DeltaPlus
 - e. InterAct Mobile
 - f. LInX
 - g. METERS / CJIS
 - h. RMS
 - i. SSR
2. In order to ensure the integrity of the various computer systems within the Communications Center, the following procedures shall be adhered to.
 - a. Commanders shall fill out the Communications Center Systems Access Change Request Form on the LETechSupport website for their personnel who need access to or need to have their access permissions removed from the above listed Communications computer systems.
 - b. Upon receipt or on the specified date, the LE Tech Support personnel shall complete the action requested, and they will then send an email to the original requestor and to the Communications Center Commander notifying them that the work has been completed.
3. The Communications Center Systems Access Change Request Form must also be completed by a Commander when:
 - a. Employees are separating their employment with the Agency.
 - b. An officer has been placed on Emergency Suspension, or the officer has had their police powers suspended.

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 themselves first by Agency (NRP) and then their unit number.

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- 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

- a. When an officer's emergency button is activated, Communications personnel will immediately broadcast for all units to stop transmitting and attempt to contact the officer to determine the nature of the emergency.
- b. Should the alarm button activation prove to be false, PCO's will broadcast the incident was a false alarm and all units should resume normal operations.
- c. If the PCO is unable to contact the officer or believes the officer is in imminent danger, they will immediately dispatch additional units to the officer's location.
- d. If an officer requests emergency assistance and their location is unknown, Communications personnel will dispatch units to their last known or likely location and notify other resources (allied agencies, etc.) to assist in locating the officer.

7. Emergency Button Activation

- a. Following an emergency alert, the PCO will advise the officer to "Check Your Display."
- b. If the alert is not an emergency, the officer will advise "Accidental." Any other reply or no reply will indicate an emergency may exist.
- c. During an emergency, officers should announce their location and unit number immediately after activating the button and during the ten second "Hot Mic" capability.

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.

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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

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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

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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,

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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

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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 available 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

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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, and the Alco-Sensor FST 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 or the alcohol gas standard. 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 investigating OWI/DUI 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.

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- 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 XV

RESTITUTION FOR WILDLIFE AND AQUATIC SPECIES

A. Policy on Restitution for Illegally Taken Fish and Wildlife

1. The Natural Resources Article (NR) establishes the authority for the Department to seek restitution from persons convicted of illegally killing fish and wildlife.
 - a. The authority for restitution for wildlife species is established in NR 10-1107.
 - b. The specific authority for mandatory restitution for whitetail and sika deer is established in NR 10-1101.1
 - c. The authority for restitution for all species of aquatic animals is established in NR 4-1201(g)
2. The Code of Maryland Regulations (COMAR) establishes the restitution value of fish and wildlife.
 - a. Restitution values for wildlife species, except deer, are included in COMAR 08.03.16.05
 - b. Restitution for values whitetail and sika deer are included in COMAR 08.03.16.04.
 - c. Restitution values for all species of aquatic animals are included in COMAR 08.02.09.01
3. For purposes of this policy, conviction includes: (1) a guilty verdict; (2) an accepted plea of nolo contendere; (3) an admission of guilt to any charge by the prepayment of the applicable fine in lieu of appearing for trial, and (4) each charged violation merged into a conviction.

B. Restitution for Wildlife Species, Other than Deer

1. A person, upon being convicted of committing a violation of the Natural Resources Article, Title 10, or regulation established pursuant to this title, which results in the injury, death, or destruction of any wildlife or protected species of animal other than deer may be ordered by the court to pay restitution to the State for the resource value of the wildlife.
2. Upon conviction for a violation meeting the criteria in B1, the charging officer shall inform the prosecutor of the potential to recover loss to the State of the animal injured, killed, or destroyed and request that the prosecutor argues that the person convicted be required pay restitution in addition to any other penalty imposed by the court.
3. The court may determine the value of the wildlife, taking into account the values established in COMAR 08.03.16.05.
4. Checks for payment of restitution should be payable to the Maryland Department of Natural Resources and delivered by mail or in-person to the Maryland Department of Natural Resources Wildlife and Heritage Service, 580 Taylor Ave. E-1, Annapolis, MD 21401.
5. The charging officer's Area Commander shall forward a copy of the citation or other charging document and the court disposition to the Wildlife and Heritage Service Associate Director assigned to Headquarters within five (5) days of the disposition of the case.
6. Monies collected as a result of restitution ordered by the court are to be credited to the Wildlife Management and Protection Fund.

C. Restitution for Whitetail and Sika Deer

1. If an officer charges a person with one or more of the violations listed in COMAR 08.03.16.01B(2), and the violation results in the illegal killing of a whitetail or sika deer, the officer shall notify their Area or Unit Commander of the incident within two (2) business days.

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2. If the deer illegally killed has more than eight (8) antler points and may score greater than 150 gross inches as measured by the Boone and Crockett Club's scoring system, the officer's Commander shall authorize the measuring of the antlers by a certified Boone and Crockett Club official measurer. If practical, this shall be accomplished within five (5) business days of seizure of the antlers. There is no required drying period before measuring for restitution purposes. A list of official measurers is located at https://www.boone-crockett.org/bgRecords/records_omlist.asp?area=bgRecords. The Director of WHS may also be contacted to arrange for the scoring of seized antlers.
3. Any expense associated with measuring the antlers will be paid by the agency using normal State Procurement guidelines.
4. The Area or Unit Commander shall forward a copy of the citation or other charging documents, along with a copy of all approved reports and measuring data sheets (if required), to the Director of the Wildlife and Heritage Service within five (5) business days.
5. The Director of WHS will collaborate with the DNR Office of the Secretary to produce a letter notifying the defendant and the prosecutor of the court's obligation, upon conviction, to order restitution in accordance with NR 10-1101.1.
6. If a person is convicted of one or more of the violations listed in COMAR 08.03.16.01B(2) and the violation resulted in the illegal killing of a whitetail or sika deer, the court shall order that person to pay restitution and perform community service in accordance with NR 10-1101.1.
7. Checks for payment of restitution shall be payable to Maryland Department of Natural Resources and delivered by mail or in-person to the Maryland Department of Natural Resources Wildlife and Heritage Service, 580 Taylor Ave. E-1, Annapolis, MD 21401.
8. Monies collected as a result of restitution ordered by the court are to be credited to the Wildlife Management and Protection Fund.

D. Restitution for Aquatic Animals

1. If a person is convicted of a violation of the Natural Resources Article, Title 4, and the violation has resulted in the injury, death, or destruction of any fish, including a species of protected animal, the Secretary may order the defendant to pay restitution to the Department for the value of the fish, in accordance with COMAR 08.02.09.01.
2. Restitution under this section must be paid within 30 days.
3. Checks for payment of restitution shall be payable to Maryland Department of Natural Resources and delivered by mail or in-person to the Maryland Department of Natural Resources Fishing and Boating Services, 580 Taylor Ave. E-1, Annapolis, MD 21401.
4. Restitution under this section shall be credited to the Department and may only be used for replacement, habitat management, or enforcement programs for the injured, killed, or destroyed fish or protected animals.