

PG. 1

# MARYLAND NATURAL RESOURCES POLICE



# Maryland Natural Resources Police

## Policy Manual

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### AGENCY VALUES

#### Values Statement

The NRP is committed to creating an organizational culture wherein training and leadership will foster integrity, respect, and quality of internal operations.

#### Core Values

NRP personnel will be committed to the following core values to guide their conduct:

- **INTEGRITY** - employees shall:
  - Uphold public trust by maintaining the highest standards of ethical and moral character by obeying all laws, regulations, orders, and policies.
  - Respect the constitutional rights of all people.
- **COURTESY** - employees shall:
  - Refrain from responses of uncontrolled anger.
  - Commit to providing impartial enforcement and unbiased service to all.
- **DEDICATION** - employees shall:
  - Provide dedicated and compassionate assistance to people.
  - Commit to the Mission, Vision, and Values of the agency.
- **PROFESSIONALISM** - employees shall:
  - Present a neat, clean, and professional appearance.
  - Perform duties in an accurate and timely manner.
  - Utilize appropriate and respectful language when dealing with all people.
  - Never use unnecessary force.

#### Mission Statement

The Maryland Natural Resources Police (NRP) is a public safety agency with statewide authority to enforce hunting, fishing, boating, and criminal law on all waterways and land, both public and private. NRP also:

- Is the lead agency for maritime homeland security;
- Provides maritime and rural search and rescue;
- Educates the public in hunting, boating and water safety;
- Provides primary law enforcement services on the Department of Natural Resources managed lands, and
- Will provide mutual aid to allied public safety agencies for emergency, significant, or special events.

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## **Chapter 1 - Law Enforcement Role and Authority**

## Law Enforcement Authority

<b>Effective Date:</b>	08/27/21
<b>Revised Date:</b>	REVIEWED--09/11/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Maryland Natural Resources Police to perform their functions based on established legal authority.

### 100.2 POLICY

It is the policy of the Maryland Natural Resources Police to limit its members to only exercise the authority granted to them by law.

While this agency recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This agency does not tolerate abuse of law enforcement authority.

### 100.3 AUTHORITY OF THE MARYLAND NATURAL RESOURCES POLICE

Officers of the Maryland Natural Resources Police have the state-wide police authority in accordance with Md. Code NR §1-201.1 and Md. Code NR § 1-204, Md. Code TA § 11-147.

### 100.4 INTERSTATE POLICE OFFICER POWERS

Police officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters the following states as follows:
  1. In Delaware, while in the pursuit of a person believed to have committed a felony, a misdemeanor or a violation of the motor vehicle code (11 Del. C. § 1932).
  2. In the District of Columbia, while in pursuit of a person who has committed a felony or who the pursuing officer has reasonable grounds to believe has committed a felony (D.C. Code § 23-903).
  3. In Pennsylvania, while in fresh pursuit of a person in order to arrest him/her (42 Pa.C.S. § 8922).
  4. In Virginia while in fresh pursuit of a person to arrest him/her for committing a felony (Va. Code § 19.2-79).
  5. In West Virginia while in fresh pursuit of a person to arrest him/her for committing a felony (W. Va. Code § 62-11-1).

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## Policy Manual

### *Law Enforcement Authority*

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6. In Virginia while in continuous pursuit of an offender across Maryland-Virginia water boundary (Md. Code NR 1-210).

Whenever an officer makes an arrest in Delaware, the District of Columbia, Pennsylvania, Virginia or West Virginia, the officer shall take the offender to the appropriate judicial officer where the arrest occurred as soon as practicable (11 Del. C. § 1933; D.C. Code § 23-902; 42 Pa.C.S. § 8923; Va. Code § 19.2-79; W. Va. Code § 62-11-2).

#### **100.5 CONSTITUTIONAL REQUIREMENTS**

All members shall observe and comply with every person's clearly established rights under the United States and Maryland constitutions.

## Oath of Office

<b>Effective Date:</b>	07/06/22
<b>Revised Date:</b>	REVIEWED--09/11/23
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--10/01/24	

### 101.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths are administered to sworn officers.

### 101.2 POLICY

It is the policy of the Maryland Natural Resources Police that sworn officers affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Agency and the dedication of its members to their duties.

### 101.3 OATH OF OFFICE

All sworn officers shall take and subscribe to the oath required by the Maryland Constitution (Md. Const. Art. I § 9). If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear."

[See attachment: Oath of Office.pdf](#)

### 101.4 SANCTITY OF LIFE PLEDGE

All officers are required to sign an affirmative written sanctity of life pledge (NRP-001 7-2022 Sanctity of Life Pledge) to respect every human life and act with compassion toward others (Md. PS § 3-524).

Commanders shall ensure a completed and signed (live signatures only, documents with electronic signatures are not acceptable) Sanctity of Life Pledge (NRP-001) form is submitted to Headquarters to the Communications and Records Management Analyst's attention for each sworn member under their command. This form is submitted yearly and due by July 15.

## Written Directive System

<b>Effective Date:</b>	06/08/23
<b>Revised Date:</b>	REVIEWED--08/17/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--09/01/24

### 102.1 PURPOSE AND SCOPE

The manuals of the Maryland Natural Resources Police are hereby established and shall be referred to as the Policy Manual and the Procedures Manual, or "written directives". The Policy Manual is a statement of the current policies, rules and guidelines of this agency.

The Procedures Manual consists of written directives that establish NRP standards for what is to be done and the way the task should be done.

All members are to conform to the provisions of these manuals.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

The provisions of this section are applicable to all manuals of the Maryland Natural Resources Police.

### 102.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this agency under the circumstances reasonably available at the time of any incident.

### 102.3 DISCLAIMER

The provisions contained in any written directive are not intended to create an employment contract nor any employment rights or entitlements. Written directives issued by the Agency are for the internal use of the Maryland Natural Resources Police and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the State, its officials or members. Violations of any provision of any written directive issued by this Agency shall only form the basis for agency administrative action, training or discipline. The Maryland Natural Resources Police reserves the right to revise the content of any written directive issued, in whole or in part.

# Maryland Natural Resources Police

## Policy Manual

### *Written Directive System*

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#### **102.4 AUTHORITY**

The Superintendent shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Superintendent or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

#### **102.5 DEFINITIONS**

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

**Administrator** - Any person whose primary responsibilities involve direction, management, or administrative support.

**Adult** - Any person 18 years of age or older (Md. Code CJ § 3-8A-01).

**APS** - Adult Protective Services.

**Area** - A territory assigned to a Region normally comprised of one or more Districts.

**Bureau** - An organizational unit within the Agency providing specialized services.

**Chain of command** - Agency rank structure through which information, directives, and orders are passed from the Superintendent to all members of the Agency, and conversely, the flow of information from the members through their superiors to the Superintendent.

**Charge** - A written accusation alleging the commission of a violation or infraction of a law, rule, order, regulation, or procedure.

**Chief** - A police employee designated by the Superintendent to be accountable for the operations of the Field Operations Bureau, Support Services Bureau, and Special Services Bureau. Normally, a police employee at the Chief's level will be at the rank of Major. The term Chief also refers to a civilian employee designated by the Superintendent to be accountable for the operations of the Administrative Services Bureau.

**Civilian** - Employees and volunteers who are not sworn peace officers.

**CJIS** - Maryland Criminal Justice Information System.

**COMAR** - Maryland Code of Regulations (Example: COMAR 10.38.03.02).

**Commander** - A commissioned officer designated by the Superintendent to be accountable for the operations of an Office, Bureau, Division, Region, Area, or Unit.

**Commissioned rank** - Lieutenant Colonel, Major, Captain, and Lieutenant. This term does not include the Superintendent.

**Committee** - A group of persons authorized by the Superintendent to perform a task, function, review, or other specific action, and provide recommendations.

# Maryland Natural Resources Police

## Policy Manual

### *Written Directive System*

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**Contractual employee** - A person hired for a set period of time and paid to perform a certain job function, but is not entitled to certain benefits (e.g., sick leave, annual leave, paid holidays).

**Contractual officer** - A MPTSC certified employee who has full law enforcement authority.

**Custodian of Records** - The authorized person having physical custody and control of the records of the Agency (Md. Code GP § 4-101).

**Agency/NRP** - The Maryland Natural Resources Police.

**Department** - Maryland Department of Natural Resources.

**Director** - A civilian employee of the NRP designated by the Superintendent as the person accountable for the operation of a Division.

**District** - A geographical subdivision of an Area.

**DJS** - Maryland Department of Juvenile Services.

**DPSCS** - Maryland Department of Public Safety and Correctional Services.

**Duty officer** - A police supervisor who is temporarily designated by a Commander, as the first point of contact in a Bureau, Division, Region, Area, District, Unit, or Section.

**Employee** - Any person employed by the Agency.

**Installation** - An NRP building or office that is maintained separate from headquarters.

**Insubordination** - Disobedience of an order, policy, procedure, or regulation.

**Investigator** - A law enforcement officer whose primary duty involves in-depth investigations.

**Leave of Absence** - An extended period of time during which an officer is excused from active duty without pay.

**Manual** - The Maryland Natural Resources Police Policy or Procedure Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Md. Code** - Maryland Annotated Codes (Example: Md. Code PS § 1-301). Following are abbreviations for sections of the Maryland Annotated Codes referenced in this Policy Manual:

- **CJ** - Courts and Judicial Procedure
- **CL** - Commercial Law
- **CP** - Criminal Procedure
- **CR** - Criminal Law
- **CS** - Correctional Services
- **ED** - Education
- **EL** - Election Law
- **ET** - Estates and Trusts



# Maryland Natural Resources Police

## Policy Manual

### *Written Directive System*

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- **FL** - Family Law
- **GP** - General Provisions
- **HG** - Health – General
- **HS** - Human Services
- **IL** - Insurance Law
- **LE** - Labor and Employment
- **LG** - Local Government
- **NR** - Natural Resources
- **PS** - Public Safety
- **SG** - State Government
- **SP** - State Personnel and Pensions
- **TG** - Tax – General
- **TR** - Transportation

**Md. Const.** - Maryland Constitution (Example: Md. Const. Art. IV § 44).

**MDOT** - Maryland Department of Transportation.

**MEMA** - Maryland Emergency Management Agency.

**Member** - Any person employed or appointed by the Maryland Natural Resources Police, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers

**METERS** - Maryland Electronic Telecommunications Enforcement Resource System.

**Motor vehicle** - As defined in the Transportation Article, of the Annotated Code of Maryland.

**MPTSC** - Maryland Police Training and Standards Commission.

**MSP** - Department of Maryland State Police.

**MVA** - Motor Vehicle Administration.

**Non-commissioned rank** - Sergeant, Corporal, Master Officer, Senior Officer, Officer First Class, and Officer.

**OAG** - Maryland Office of the Attorney General.

# Maryland Natural Resources Police

## Policy Manual

### *Written Directive System*

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**Office** - An organizational branch of the Agency that is ranked above a Bureau.

**Officer** - Those employees, regardless of rank, who are sworn members of the Maryland Natural Resources Police.

**Officer-in-Charge** - The highest-ranking officer that is in command and shall be held responsible. When several members of the same rank are present, senior officer shall be applied to the officer with the longest amount of continuous service holding that rank within the Agency.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**Police Officer** - Those employees, regardless of rank, who are sworn members of the Maryland Natural Resources Police.

**Police vehicle** - An agency emergency vehicle equipped with an audible siren and visual red, white, and/or blue signals utilized by the Agency in the execution of official police duties.

**Police vessel** - An agency vessel equipped with flashing blue lights or signal devices utilized by the Agency in the execution of official police business.

**Rank** - The title of the classification held by an officer.

**Region** - A territory of the State comprised of one or more Areas.

**Regional/Area Office** - An NRP facility that is maintained separate from headquarters, to which personnel are assigned.

**Regulation** - A rule or order having the force of law, issued by an executive authority. An authoritative ruling dealing with details of procedure.

**Rule** - Any rule, procedure, order, or other directive adopted by the Superintendent and/or Agency. A rule, as used here, is not for any purpose a rule within the meaning of the Administrative Procedure Act, State Government Article, Title 10, Annotated Code of Maryland.

**Section** - A separate unit within a Bureau or Division that performs a specialized function.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Special Orders** - Those orders issued by the Superintendent or other Commanders relating to some specific circumstance or situation, usually of a temporary nature that ordinarily does not affect the entire Agency.

**State** - The State of Maryland.

**Subordinate** - Any member of the Agency who is lower in rank than another higher-ranking member.

# Maryland Natural Resources Police

## Policy Manual

### *Written Directive System*

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**Supervisor** - A person in a position of authority that may include responsibility for assignment, scheduling or discipline of other agency members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

**Team** - A specialized group within NRP.

**Unit** - A group or position within the Agency tasked with specific duties.

**Vessel** - As described in the Natural Resources Article, Title 8, Subtitle 701, of the Annotated Code of Maryland.

**Violation** - An infringement of rule, law, policy, regulation, or procedure.

**Written Directive** - any written document used to guide or affect the performance or conduct of NRP personnel. The term includes items such as policy, procedure, general order and special order.

### **102.6 ISSUING WRITTEN DIRECTIVES**

#### **A. Employee Acknowledgement and Accountability**

1. Members can access both the Policy Manual and the Procedure Manual via the Lexipol KMS at any time.
2. Members will electronically sign for and acknowledge the receipt of all written directives housed within the Lexipol KMS, including revisions.
  - (a) Once an employee acknowledges that they have received a written directive on the Lexipol KMS, that employee:
    1. is deemed to have been notified of the written directive;
    2. has read and understood the written directive;
    3. will comply with the written directive; and,
    4. may be held responsible for failing to comply with the written directive.

### **102.7 ANNUAL REVIEW OF WRITTEN DIRECTIVES**

The Superintendent will ensure that all written directives housed in Lexipol KMS are reviewed on an annual basis, prior to the assigned "NEXT REVIEW" date (as shown when the written directive is downloaded as a PDF), and updated as necessary.

### **102.8 REVISIONS TO WRITTEN DIRECTIVES**

Members are responsible for keeping up-to-date on all written directive revisions.

Commanders will ensure that members under their command are up-to-date on Lexipol KMS acknowledgments by querying the Lexipol KMS system on at least a monthly basis.

# Maryland Natural Resources Police

## Policy Manual

### *Written Directive System*

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Suggested or required revisions to any written directive may be sent through the chain of command, via e-mail or NRP-510, to the Research and Reporting Coordinator, who will initiate the written directive revision process.

## Agreements

<b>Effective Date:</b>	11/10/23
<b>Revised Date:</b>	REVIEWED--09/11/23
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--10/01/24	

### 103.1 AGREEMENTS & MOUS

[MOU\\_MSP\\_Aviation](#)

[MOU\\_Treaty\\_Obligations-Foreign\\_Nationals](#)

[MOU\\_US\\_Customs](#)

[MOU\\_US\\_DEA](#)

[MOU\\_USCG\\_Boating\\_Safety](#)

[MOU\\_USCG\\_Marine\\_Casualties and Boating \\_Accidents](#)

[MOU\\_USCG\\_Maritime\\_Safety-Secrity](#)

[MOU\\_USFW](#)

## **Chapter 2 - Organization and Administration**

## Organizational Structure and Responsibility

<b>Effective Date:</b>	01/23/23
<b>Revised Date:</b>	REVIEWED--08/17/23
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--09/01/24	

### 200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Agency and defines the general responsibilities of agency members.

### 200.2 POLICY

The Maryland Natural Resources Police will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Agency. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

### 200.3 OFFICE OF THE SUPERINTENDENT

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

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

The following personnel report directly to the Superintendent:

- (a) Deputy Superintendent
- (b) Chief of Staff
- (c) Public Information Officer

#### 200.3.1 CHIEF OF STAFF

The functional duties of the Chief of Staff include, but are not limited to:

- (a) Managing headquarters
- (b) Administering the Superintendent's projects and programs.
- (c) Coordinating projects and programs with other governmental organizations and units within DNR.
- (d) Performing other duties as assigned by the Superintendent.

# Maryland Natural Resources Police

## Policy Manual

### *Organizational Structure and Responsibility*

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#### **200.3.2 PUBLIC INFORMATION OFFICER**

This position is responsible for developing and disseminating external, and internal communications that inform, and educate the people of Maryland, Department employees, and other federal, state, local, and municipal agencies regarding department related activities, and programs, and other duties as assigned by the Office of Communications.

1. The functional duties of the Public Information Officer include, but are not limited to, the following:
  - (a) In consultation with the supervisor, acts as a spokesperson for the department, responding to media inquiries about breaking, and proactive initiatives.
  - (b) Prepares and disseminates news releases about breaking stories involving the department to inform the media/public, and other internal audiences about the news, and opportunities, and provide accurate, timely information.
  - (c) Researches and prepares responses to inquiries from the media, government/elected officials, general public, and other federal, state, and local officials regarding a variety of natural resources issues.
  - (d) Contributes materials to the department magazine, newsletters, social media, and press releases, performs other related duties as assigned.

#### **200.4 DEPUTY SUPERINTENDENT**

The Deputy Superintendent is the second-in-command of the NRP and serves as Acting Superintendent in the Superintendent's absence. The following bureaus and unit report directly to the Deputy Superintendent:

- (a) Executive Services Bureau
- (b) Support Services Bureau
- (c) Special Services Bureau
- (d) Field Operations Bureau
- (e) Community Partnerships and Employee Development Bureau
- (f) Emergency Communications Director
- (g) Administrative Services Bureau Chief

##### **200.4.1 EXECUTIVE SERVICES BUREAU**

The Executive Services Bureau is commanded by a major serving as the Executive Officer. In addition to providing operational, and administrative support to the Superintendent and Deputy Superintendent, the Executive Officer supports executive functions in their absence. The Executive Officer commands the Internal Affairs Unit, and the Project Management Coordinator. This role involves coordinating with allied agencies, and various DNR units, serving as the Legislative Liaison, leading the Strategic Planning Division, managing special projects, and promoting leadership development.

- A. The Internal Affairs Unit Commander reports directly to the Executive Officer and serves as the Agency's victim's rights advocate under PS3-108.



# Maryland Natural Resources Police

## Policy Manual

### *Organizational Structure and Responsibility*

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1. Internal Affairs Unit

- (a) Investigates allegations of misconduct by agency members
- (b) Conducts annual audits of agency property and evidence rooms
- (c) Investigate Use of Force incidents
- (d) Maintains internal records of complaints and investigations as appropriate
- (e) Complies and submits serious police officer-involved Incidents and Officers Discipline Report on an annual basis to MPTSC.

B. Strategic Planning Division

1. A captain commands the Strategic Planning Division, and will oversee the following:

- (a) Research Coordinator
- (b) Legislative Coordination
- (c) Strategic Planning
- (d) Accreditation and Assessment
- (e) Policy Coordinator
- (f) Special Projects
- (g) Wellness Coordinator

2. Strategic Planning Supervisor

- (a) Coordinates the development of an agency strategic plan. Continuously monitor and report updates, and brief command staff on recommendations.
- (b) Manage, and coordinate special projects relevant to the strategic goals of the agency.
- (c) Evaluate agency practices, procedures, and equipment. Make recommendations on agency improvements through written reports, proposals, and presentations to agency leadership.
- (d) Collaborate with allied agencies to implement initiatives, and improve interagency coordination concerning strategic initiatives.
- (e) Develop, coordinate, and deliver training, and workshops on strategic plans, leadership development, and other topics needed to meet agency goals.

3. Accreditation Supervisor

- (a) Oversee the accreditation and assessment process to ensure compliance with national and state standards.
- (b) Maintain and update accreditation files and records for accuracy.
- (c) Coordinate and conduct internal audits to assess policy adherence.

# Maryland Natural Resources Police

## Policy Manual

### *Organizational Structure and Responsibility*

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- (d) Develop and recommend policy updates that align with accreditation requirements.
  - (e) Develop, coordinate, and deliver training and guidance to staff on accreditation standards and procedures.
  - (f) Facilitate communication between the department and accrediting agencies and coordinate on-site assessments.
  - (g) Compile and submit required reports and documentation to accrediting organizations.
- 4. Policy Coordinator
  - (a) Falls under the supervision of the Accreditation Supervisor and is responsible for:
    - 1. Drafting, reviewing, and revising agency policies and procedures to ensure alignment with legal standards, best practices, and departmental goals.
    - 2. Developing and delivering training sessions on new or updated policies to all department members.
    - 3. Collaborating with command staff to align policy development with strategic objectives.
    - 4. Monitoring emerging trends, legal developments, and best practices in law enforcement policy. Conducting research to support the development of policies that enhance the agency's operations and effectiveness.
    - 5. Maintaining accurate and up-to-date records of all policies, procedures, and related documentation, ensuring that policies are updated and publicly accessible.
- 5. Special Projects Supervisor
  - (a) Plan and oversee special projects within the agency, tasked by the Strategic Planning Division Commander.
- 6. Wellness Coordinator
  - (a) Falls under the supervision of the Special Projects Supervisor and is responsible for:
    - 1. Developing and Implementing Wellness Programs.
    - 2. Designing initiatives that promote physical, mental, and emotional well-being.
    - 3. Organizing fitness challenges, stress management workshops, and nutrition coaching.
    - 4. Working with nutritionists, fitness trainers, and mental health professionals to create comprehensive wellness strategies for employees.

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#### 200.4.2 SUPPORT SERVICES BUREAU

The Support Services Bureau is commanded by a major and commands the Logistics Division.

A. Logistics Division

1. A captain commands the Logistics Division and oversees the Fleet, Supply, and Maintenance Unit, and Technology Unit. The Fleet, Supply, and Maintenance Unit is commanded by a lieutenant, and consists of the following:

(a) Fleet Section

1. Coordinates with DNR Fleet Services to oversee NRP's vehicle fleet.
2. Manage all aspects of the NRP fleet, including procurement, maintenance, upfitting, repair, etc.
3. Fleet Section Supervisor supervises the Inventory Corporal. Inventory Corporal is responsible for:
  - (a) Managing inventory control, including processing entries and requests for the removal of sensitive and capital inventory items.

(b) Quartermaster Section

- (a) Orders and issues all equipment, uniforms, and parts as requisitioned.

(c) Marine Maintenance Section

- (a) Procurement, testing and evaluation of marine vessels and equipment.
- (b) Performs maintenance and repairs on agency vessels as well as outside agencies.

2. Technology Unit

- A. The Technology Unit is commanded by a lieutenant, and consists of the following sections:

1. Law Enforcement Technologies (LETech) Section:

- (a) Manages and maintains all LE computer systems.
- (b) Ensures proper function of all Mobile Data Terminal Systems and hardware.
- (c) Provides analytical information upon request.

2. Wireless Section

- (a) Installs and maintains equipment for MD First tower sites on DNR managed lands.
- (b) Installs and maintains emergency/communications equipment on NRP vehicles/vessels as well as equipment operated by other DNR units.

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- (c) Program and service portable, vehicle and vessel 700mhz radios.
- 3. MLEIN Section
  - (a) The MLEIN section is supervised by a civilian administrator.
  - (b) Responsibilities include the installation and maintenance of all NRP owned radar units and cameras stationed throughout the Chesapeake Bay region.
  - (c) Personnel monitor all radar units and provide technical expertise, assistance and training to the Agency on the use of all associated systems.
- 4. Body-Worn Camera (BWC) Section
  - (a) Manages the body-worn camera program.

#### 200.4.3 SPECIAL SERVICES BUREAU

- A. The Special Services Bureau is commanded by a major, and:
  - 1. Special Operations Division is commanded by a captain.
  - 2. Each unit is commanded by a lieutenant.
  - 3. Each section is supervised by a sergeant.
- B. The Special Operations Division (SOD) consists of the following units:
  - 1. Criminal Investigation Unit.
  - 2. Response Teams Unit.
- C. The Criminal Investigations Unit consists of the following sections:
  - 1. The Criminal Investigations Section:
    - (a) Members of this section shall:
      - 1. Be responsible for in-depth criminal investigations and death investigations as determined and assigned by the Commander.
      - 2. Be the liaison with the Maryland State Police Crime Lab, State Medical Examiners' Office, and other law enforcement agencies concerning criminal investigations.
      - 3. Assist with search and seizure warrant preparation and service.
      - 4. Provide interview/interrogation and crime scene processing assistance to field operations personnel.
      - 5. Provide instruction and guidance to field operations personnel on investigative techniques and procedures.
      - 6. Conduct investigations that are assigned by the Special Operations Division Commander, Special Operations Unit Commander, or the CIS Supervisor.

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7. Operating procedures for the CIS shall be maintained by the Commander of the Special Operations Division.
  2. Task Force Section:
    - (a) Members of this section are assigned to either Covert Operations (CO) or to a Task Force and:
      1. The purpose of Covert Operations is to detect and suppress the problem of deliberate, organized, and significant violations of the NR laws. CO shall target major commercialization of wildlife violations and unlawful activity concerning threatened or endangered species by utilizing officers who work in an undercover capacity.
      2. The purpose of the Task Forces is to expand Maryland's capacity to control drug trafficking and drug abuse. The Task Forces shall provide intelligence on suspected illegal drug activity occurring on and adjacent to the state's waterways.
  3. Homeland Security & Intelligence Section:
    - (a) Members of this section are responsible for intelligence gathering and dissemination of the following:
      1. MCAC & MDANG
      2. MEMA
      3. Maryland Wildlife Crime Stoppers
      4. Monitors radar units and cameras stationed throughout the Chesapeake Bay region.
      5. Coordinates and assists in the evaluation of NRP's capabilities, training, and current policies in relation to identified Homeland Security targets and issues.
      6. Works with allied agencies and task forces to benefit Maryland's Homeland Security and maritime interdiction efforts.
      7. Assists with compiling intelligence to better prepare officers for a response to a marine-related terrorist incident.
      8. Is responsible for the identification of and assisting in the application for grants and other funding sources relating to Homeland security issues and incidents.
      9. Gang Related Intelligence
      10. The supervisor of the section will oversee the compilation of all gang-related intelligence occurring within or on all DNR-owned properties, managed lands, and waters of the State.
- D. Response Teams Unit:
1. The purpose of the Response Teams Unit is to provide ancillary support within the Agency as needed in specialized/focused areas. The Commander of the

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Response Teams Unit shall maintain Standard Operating Procedures (SOP) for all specialized response teams. The SOPs are available to all agency personnel. The Response Teams Unit consists of the following Sections:

(a) Tactical Response Team (TRT):

1. The purpose of the TRT will serve as the primary resource to assist in the coordination of land-based search and rescue missions and tactical operations for the Maryland Natural Resources Police. The TRT will provide specialized services in support of the agency, as well as allied agency operations. The TRT can assist field officers with the following operations:

- (a) Tactical Tracking/Search
- (b) Tactical Patrol
- (c) Search and Rescue
- (d) Surveillance and Reconnaissance
- (e) Warrant Service
- (f) Evidence Search
- (g) Special events security
- (h) Maritime Tactical Operations
- (i) Woodland Tactical Operations

2. Tactical Boat Operators (TBO) Team:

- (a) TBOs can be utilized in special details, including heightened alerts in and around Critical Infrastructure, safety and security zone enforcement, as well as special events (e.g., Bay Bridge Walk/swim, Blue Angels, or Presidential/ Vice Presidential details), and can be utilized on special missions in which the TRT may need to be deployed. TBO's will be assigned on a temporary basis as needed to deliver the TRT, Underwater Operations Team (UOT), or allied agency tactical teams during maritime missions and other pre-planned assignments.
- (b) TBOs will receive enhanced training in the following skill sets:
  - (a) High-speed vessel operation
  - (b) Non-compliant boarding operations and techniques
  - (c) Shouldering and herding techniques
  - (d) Safety and Security Zone enforcement operations

3. Mobile Field Force Team (MFF):

- (a) The Mobile Field Force Team (MFF) falls under the direct supervision of the Tactical Response Section Sergeant.

(b) Special Response Section:

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1. the Special Response Team Section comprises of the following Teams:
  - (a) Canine
    1. The primary purpose of Canine Teams is to provide specialized resources (canines) to assist field officers, allied agencies, and the citizens of the state in support of the Agency's mission. Canine Teams can be utilized for the following:
      - (a) Tracking violators.
      - (b) Locating missing persons.
      - (c) Detecting concealed wildlife or fish.
      - (d) Area searches for evidence recovery.
      - (e) Human remains detection.
      - (f) Public relations events.
  - (b) Underwater Operations Team (UOT)
    1. The UOT can provide the following specialized services:
      - (a) Side-scan sonar operations
      - (b) Maintenance.
      - (c) Investigations.
      - (d) Evidence recovery.
      - (e) Body recovery.
  - (c) Tactical Emergency Medic Support (TEMS) Team
    1. The purpose of the TEMS Team is to assist field force, support services, SOD, and allied agencies with trained personnel to provide emergency medical support for high-risk police operations, training and special assignments.
    2. At a minimum, TEMS team members shall be certified EMT-B (Maryland Emergency Medical Technician Basic).
  - (d) Drone Team
    1. Provides aerial support dedicated to conservation, and boating law enforcement activities, this may also include but is not limited to Search and Rescue, Homeland Security, or other law enforcement activities as needed.
- (c) Aviation Section

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1. Provides aerial support dedicated to conservation, and boating law enforcement activities, this may also include but is not limited to:
  - (a) Search and Rescue
  - (b) Homeland Security
  - (c) Other law enforcement activities as needed

#### 200.4.4 FIELD OPERATIONS BUREAU

- A. The Field Operations Bureau is commanded by a major, and:
  1. Each region is commanded by a captain.
  2. Each area is commanded by a lieutenant.
  3. Each district is supervised by a sergeant.
- B. The Field Operations Bureau consists of the following:
  1. Eastern Region
  2. Southern Region
  3. Central Region
  4. Western Region
- C. Regions are composed of two (2) areas.
  1. Each area is composed of two (2) to four (4) districts.

#### 200.4.5 COMMUNITY PARTNERSHIPS AND EMPLOYEE DEVELOPMENT BUREAU

- A. The Community Partnerships and Employee Development Bureau is commanded by a major, and:
  1. Training & Recruitment Division is commanded by a captain.
  2. Each unit is commanded by a lieutenant.
  3. Each section is supervised by a sergeant.
- B. The Training and Recruitment Division consists of the following units:
  1. The Professional Development Unit.
  2. The Entry-Level Training Unit.
- C. The Professional Development Unit consists of the following Section:
  1. In-Service Training Section.
    - (a) Provides yearly mandated training for all LEOs.
    - (b) Responsible for the issuance of agency training bulletins.
- D. The Entry Level Training Unit consists of the following Sections:
  1. Entry Level Training Section.



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- (a) This section develops curricula and administers all entry-level.
    - (b) Field training program.
    - (c) Administers NRP's Training Academy.
  - 2. Recruitment & Background Section:
    - (a) Oversees the recruitment of qualified applicants.
    - (b) Ensures the integrity and character of potential employees of the NRP, both sworn and professional, by conducting background investigations.
- E. Outreach Unit.
  - 1. The Outreach Unit builds and maintains partnerships with Maryland's community and stakeholder groups, through proactive engagement, fostering open dialogue, improving safety, and forging trust. The Community Outreach Section oversees the following:
    - (a) Reserve Officer (RO) Program:
      - 1. This section consists of volunteer reserve officers who assist with accomplishing the Agency's mission (e.g., boating safety inspections, ceremonies, and role players for training, assisting NRP sworn officers in the field).
      - 2. The Reserve Officer Coordinators are professional contractual employees and are responsible for:
        - (a) Overseeing reserve officer activities.
        - (b) Keeping all qualification standards, training standards, and other detailed information pertaining to the Reserve Officer Program.
        - (c) Performing other duties as assigned.
    - (b) Safety Education:
      - 1. Manages projects and programs that promote and provide the public with hunting and boating education and safety courses.
    - (c) Public Safety Cadet Program:
      - 1. This program is dedicated to preparing young people for careers and leadership in the public safety profession.

#### 200.4.6 EMERGENCY COMMUNICATIONS DIRECTOR

The Emergency Communications Director manages the DNR Communications Center and Records Section.

- A. The Emergency Communications Director
  - 1. Oversees daily operations within the DNR Communications Center, and Records Section.

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2. Effectively and efficiently manages and supervises Police Communication Supervisors, Records Supervisor, and all personnel within the DNR Communications Center.
- B. The Communications Center
1. Supervised by Police Communications Supervisors (PCS) and is responsible for:
    - (a) Maintaining radio communications twenty-four (24) hours a day, seven (7) days a week.
    - (b) Checking for warrants and arrest histories, documents complaints, and incidents.
    - (c) Dispatching calls to personnel as required.
- C. Records Section
1. Supervised by a Sergeant and is responsible for:
    - (a) Maintaining records of citations, warnings, and investigative reports, as well as issuing certified records, and reports.
    - (b) Entering, verifying, and maintaining all warrants.

#### 200.4.7 ADMINISTRATIVE SERVICES BUREAU

The Administrative Services Bureau is managed by a chief professional administrator. This bureau consists of the NRP Human Resources (HR) and Fiscal Support Sections.

- A. NRP Human Resources Section
1. The functional duties of the NRP Human Resources Section supervisor include, but are not limited to:
    - (a) Supervising the NRP Human Resources Section staff in all matters relating to payroll and personnel management.
    - (b) Serves as liaison with DNR Human Resources Service (HRS) Staff to coordinate entry-level job postings.
    - (c) Coordinates with DNR HRS and personnel from other DNR units.
    - (d) Coordinates the random drug testing program for the Agency.
    - (e) Assists the Chief of Administrative Services Bureau with other duties as needed.
    - (f) Provides administrative support to the agency in the area of personnel actions (e.g., hiring, promotions, transfers, benefits, applications, and changes).
    - (g) Provides guidance regarding payroll issues, and personnel actions as needed.
- B. Fiscal Support Section

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1. The functional duties of Fiscal Support Section personnel include, but are not limited to:
  - (a) Providing support in the areas of budget preparation,
  - (b) federal grant management, procurement, including contract development and execution, and
  - (c) reviews and approves all travel/training requests, working fund requests, expense accounts, credit card logs, etc.
  - (d) Provides assistance to agency employees on financial matters in order to ensure the fiscal integrity of the Agency.

## 200.5 COMMAND PROTOCOL

### 200.5.1 CHAIN OF COMMAND

Each NRP sworn law enforcement position has a rank designation. Unless otherwise stated, all NRP communications will follow the chain of command. The NRP ranks in descending order are as follows:

Rank Names	Rank Abbreviations
Colonel (Superintendent)	Col.
Lieutenant Colonel (Deputy Superintendent)	Ltc.
Major	Maj.
Captain	Capt.
Lieutenant	Lt.
Sergeant	Sgt.
Corporal	Cpl.
Master Officer	M/Off.
Senior Officer	S/Off.
Officer First Class	Ofc.
Officer	Off.

Although professional staff employees are not assigned a rank, they will be expected to follow the chain of command while conducting Agency business.

### 200.5.2 SUCCESSION OF COMMAND

- A. The Superintendent exercises command over all members of the Maryland Natural Resources Police. During planned absences, the Superintendent will designate the Deputy Superintendent to serve as the acting Superintendent.
- B. The order of command authority in the absence or unavailability of the Deputy Superintendent:

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1. Executive Officer
  2. Field Operations Bureau Chief
  3. Special Services Bureau Chief
  4. Community Partnership and Employee Development Bureau Chief
  5. Support Services Bureau Chief
- C. Radio identification call signs shall be assigned in sequential order based on the established order of command authority listed above.

#### **200.5.3 UNITY OF COMMAND**

The principles of unity of command ensure efficient supervision and control within the Agency. Generally, each member shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, Underwater Operations), any supervisor may temporarily direct any subordinate if an operational necessity exists.

#### **200.6 AUTHORITY AND RESPONSIBILITY**

Each member will be assigned duties and responsibilities. Each member is delegated the authority necessary to effectively execute those responsibilities. Each member will also be held accountable for the appropriate application of that delegated authority.

#### **200.7 COMMANDERS/DIRECTORS**

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

Commanders and directors are responsible for the overall operation of their area of responsibility to include:

- (a) Compliance with NRP policies, procedures, and regulations
- (b) Proper supervision
- (c) Employee performance and morale
- (d) Public safety
- (e) Public relations
- (f) Facility management
- (g) All other matters which may affect the effective and efficient daily operation of their command

#### **200.8 DUTY OFFICERS**

Commanders shall designate a Duty Officer who shall hold the rank of sergeant or above. Acting sergeants may serve as Duty Officers.

- (a) Commanders shall ensure a Duty Officer is listed daily on work schedules.

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(b) Duty Officer duties and responsibilities:

1. Acts as a conduit or liaison and assumes the role of supervisor in the absence of the Commander, and/or the respective supervisors are not working.
2. Facilitates, coordinates, and provides direction to others as needed during their assigned rotation.
3. When a response is needed the Duty Officer is expected to respond within a reasonable time frame or they are expected to relay the necessary information to another Supervisor or Commander that may be closer.
4. The shift of a Duty Officer will start and end when the Duty Officer enters and leaves their Area of responsibility, not when they enter and leave their normally assigned district.

#### **200.9 SUPERVISORS**

Police and civilian supervisors will actively oversee the performance of subordinates to ensure compliance with all NRP policies, procedures, and regulations. Supervisors:

- (a) serve as Duty Officer's,
- (b) complete employee evaluations, and
- (c) perform all the duties assigned to a first line supervisor.

#### **200.10 CORPORALS**

Corporals are responsible for prompt and proper action in all police matters, and the rendering of prompt, efficient, and courteous service in the manner prescribed by law, regulation, policy, and procedure. Corporals also:

- A. Lead the work of subordinate officers by directing law enforcement activities;
- B. assign and review work;
- C. provide training as needed or directed by the supervisor;
- D. shall assume responsibilities of command in the absence or at the direction of an officer more senior in rank; and
- E. provide input to the supervisor for the creation and/or implementation of work plans including:
  1. stakeouts, takedowns, and
  2. other special in-depth investigations.

#### **200.11 OFFICERS**

Officers are responsible for prompt and proper action in all police matters, and the rendering of prompt, efficient, and courteous service in the manner prescribed by law, regulation, policy, and procedure.

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#### **200.12 PROBATIONARY OFFICERS**

A newly hired sworn NRP officer who has completed a Commission-approved entry-level law enforcement training program and is currently enrolled in the Field Training Program.

#### **200.13 OFFICER CANDIDATES**

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

#### **200.14 CADETS**

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

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

## General Orders/Special Orders

<b>Effective Date:</b>	07/25/2022
<b>Revised Date:</b>	REVIEWED--09/11/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General and Special Orders.

### 201.2 POLICY

General Orders and Special Orders will be used to modify policies and procedures of the Maryland Natural Resources Police.

### 201.3 GENERAL ORDER PROTOCOL

General Orders will be utilized to issue directives, and notify members of changes to forms or other documents (e.g., Emergency Operations Plan).

The Chief of Staff or the authorized designee should ensure that all General Orders are disseminated appropriately. General Orders shall be numbered consecutively and incorporate the year of issue, beginning with the number "100", which indicates the order originated from the Office of the Superintendent.

### 201.4 RESPONSIBILITIES

#### 201.4.1 COMMAND STAFF

Command staff shall periodically review General Orders to determine whether they should be formally incorporated into the agency's written directives, and, as appropriate, will recommend necessary modifications to the Superintendent.

#### 201.4.2 SUPERINTENDENT

Only the Superintendent or the authorized designee may approve and issue General Orders.

### 201.5 SPECIAL ORDERS

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

A Special Order issued should only impact the personnel within the bureau, region, area, division, or unit under which the Special Order is issued.

All Special Orders will be forwarded to the Chief of Staff. The commander issuing the Special Order will review to ensure it is not in conflict with current policy. Adjutant to the Superintendent should verify whether the policy is appropriate for Agency-wide application.

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### *General Orders/Special Orders*

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The Chief of Staff will ensure all general and special orders are saved to the common drive.

#### **201.5.1 SPECIAL ORDER PROTOCOL**

The Research and Reporting Coordinator will:

- (a) Review the draft to ensure continuity with existing policies procedures or regulations, as well as format.
- (b) Distribute drafts to the Command Staff for comments and recommendations.
- (c) Forward the information to the Chief of Staff so that they can prepare orders for the Superintendent's approval and signature.
- (d) Assign a number consecutively and incorporate the year of issue.
- (e) Ensure the order is saved to the common drive.
- (f) Ensure the order is distributed appropriately.

#### **201.6 ACCEPTANCE OF DIRECTIVES**

All members shall be provided access to the General and Special Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

#### **201.7 CANCELLATION AND AMENDMENTS OF ORDERS**

- (a) All orders remain in effect until the termination date, it is amended, superseded, or canceled.
- (b) Orders will be amended by the issuance of a new number containing the specific change, or will be rewritten as a new order rescinding the original.
- (c) An order that amends, rescinds, supersedes, or refers to previous orders, will include the appropriate notation (order number, etc.) necessary to locate the material to be corrected or canceled.
- (d) The Chief of Staff will ensure all orders are saved to the common drive.



## Emergency Operations Plan

<b>Effective Date:</b>	07/13/23
<b>Revised Date:</b>	REVIEWED--09/11/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Maryland Natural Resources Police and responsibilities of its members pertaining to large scale emergencies and the Maryland Department of Emergency Management operating under the State of Maryland Emergency Operations Core Plan.

### 202.2 POLICY

The Maryland Natural Resources Police will prepare for large scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The State Emergency Operations Plan complies with the State of Maryland's Emergency Operations Core Plan, as part of the Comprehensive Emergency Management Program (Md. Code PS § 14-109; Md. Code PS § 14-110). This plan provides guidance for State emergency operations within and outside its borders as may be required.

### 202.3 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Maryland Natural Resources Police, the Superintendent, Deputy Superintendent or the authorized designee may activate the NRP Emergency Operations Plan in response to a major emergency.

The declaration of a local state of emergency may only be made by the State's principal executive officer or the appointee if required by the circumstances. Such a declaration activates the jurisdiction's response (if not already activated) and recovery plan (Md. Code PS §14-111; Md. Code PS § 14-403).

Upon activation of the plan, the Superintendent or the authorized designee should contact the Maryland Department of Emergency Management to assist with mutual aid response from local, state and federal law enforcement agencies (Md. Code PS §14-701; Md. Code PS §14-801; Md. Code PS § 14-601; Md. Code CP § 2-105).

#### 202.3.1 EMERGENCY OPERATIONS PLAN (EOP)

The State has identified certain incidents that will trigger the NRP Emergency Operations Plan. The incidents include the following types of manmade or natural disasters:

- Hurricanes/tropical storms
- Flooding:
  - Tidal/coastal flooding

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### *Emergency Operations Plan*

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- Flash and inland flooding
- Severe winter weather:
  - Snow storms
  - Ice storms
- Dam failure
- Earthquakes
- Fixed nuclear facility incidents
- Aircraft accidents
- Boating accidents/marine casualties
- Acts of Terrorism

The NRP EOP can be found on the NRP website in the Manuals section.

#### 202.3.2 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Maryland Natural Resources Police are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Superintendent or the highest ranking on-duty supervisor.

Failure to promptly respond to an order to report for duty may result in discipline.

#### 202.4 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Electronic versions of the Emergency Operations Plan are available on the DNR Common Drive and on the NRP internal website. Paper copies shall be maintained at all agency offices. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles members will play when the plan is implemented.

#### 202.5 CONTINUITY OF OPERATIONS (COOP) PLAN

The NRP COOP Plan is designed to minimize the impact of a manmade or natural disaster upon its facilities and infrastructure so it can continue to provide its essential functions.

The NRP has identified the following events or potential events that can adversely impact the NRP's ability to continue essential functions and services to citizens, personnel, contractors, and visitors:

NATURAL EVENT	MANMADE EVENT
Earthquake	Major building malfunction
Flood	Chemical emergencies
Severe heatwave	Crime
Hurricane	Fire
Pandemic Influenza	Hazardous material

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### *Emergency Operations Plan*

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Severe Thunderstorm	Nuclear power plant emergency
Severe winter storm	Terrorism - bombing
Tornado	Terrorism - biological
Tsunami	Terrorism - chemical
Wildfire	Terrorism - radiological

The NRP is committed to the safety and protection of its employees, operations, and its facilities. The COOP Plan provides the NRP and its staff members a framework that is designed to minimize potential impacts during a natural or man-made emergency or disaster.

Should a major emergency or disaster event occur that impacts NRP's essential functions, the NRP COOP Plan will provide procedures, guidance, direction, and a framework to restore the Agency's essential functions within 12 hours of the event and continue essential for up to 30 days.

Leadership and personnel will continue to recognize the responsibilities to public safety, search and rescue, and emergency response and they will exercise their authority to implement the COOP Plan in a timely manner when confronted with events impairing the Agency's essential functions.

In the event of an emergency, the NRP may need to rely on services of adjacent jurisdictions and organizations for recovery. Thus, the COOP Plan can serve as a basis for future development of a regional plan with neighboring organizations or entities that could incorporate mutual aid agreements, alternate facility locations, and inter-organizational communications plans to ensure a coordinated response in the event of an emergency.

If properly implemented, the COOP Plan will reduce or prevent disaster-related losses.

The NRP COOP Plan can be found on the NRP website in the Manuals section.

#### **202.6 EMERGENCY OPERATIONS PLAN REVIEW**

The Superintendent or the authorized designee shall review the Emergency Operations Plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The Superintendent or the authorized designee should appropriately address any needed revisions.

##### **202.6.1 EMERGENCY OPERATIONS COMMITTEE**

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

###### **(a) Responsibilities**

1. Review and update the Emergency Operations Plan annually or as needed.
2. Identify training needs.
3. Review emergency operations as needed.
4. Make recommendations for changes in emergency operation procedures.
5. Recommend changes and acquisition of emergency equipment.

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### *Emergency Operations Plan*

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6. Review After-Action Reports as needed of real-world incidents and exercise/drills.
  7. Promote inter-agency communications and cooperation.
  8. Meet quarterly or as needed.
- (b) Membership
1. The NRP Emergency Operations Committee will consist of those members outlined in Procedure 1400, Committee, Board & Panel Members.

#### **202.7 TRAINING**

The Agency should participate in training that incorporates full or partial exercises, tabletops or command discussions.

## Training

<b>Effective Date:</b>	02/16/23
<b>Revised Date:</b>	REVIEWED--09/11/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

### 203.2 POLICY

The Agency shall administer a training program that will meet the standards of federal, state, local and the Maryland Police Training and Standards Commission (MPTSC) training requirements. It is a priority of this agency to provide continuing education and training for the professional growth and development of its members.

### 203.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of agency members.
- (c) Provide for continued professional development of agency members.
- (d) Ensure compliance with MPTSC rules and regulations concerning law enforcement training.

### 203.4 TRAINING PLAN

It is the responsibility of the Training Division Commander to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and agency-required training is completed by all members as needed or required. The training plan should include the anticipated costs associated with each type of training. The plan should include a systematic and detailed method for recording and logging of all training for all members.

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Unit Commander shall review the entire training plan on an annual basis.

The plan will include information on curriculum, training material, training facilities and scheduling. The plan will address federal, state and agency-required, minimum-mandated training of officers and other members.

# Maryland Natural Resources Police

## Policy Manual

### *Training*

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#### 203.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations.

- (a) Federally mandated training:
  - 1. National Incident Management System (NIMS) training.
- (b) State-mandated training:
  - 1. MPTSC-approved Police Entry Level Training Program or, when applicable, the Comparative Compliance Training Course and successfully pass the licensing examination before being issued a police officer certification (COMAR 12.04.01.09).
  - 2. MPTSC-approved entrance-level firearms training and qualification (COMAR 12.04.02.04).
  - 3. No less than the MPTSC-required duration of field training (COMAR 12.04.01.17).
  - 4. No less than 18 hours of MPTSC-approved training annually (COMAR 12.04.01.12).
  - 5. Annual MPTSC-approved firearms training and qualification (COMAR 12.04.02.08).
  - 6. Promotion of an officer to a first-line, or higher, supervisor position requires successful completion of MPTSC-approved supervisor training no more than two years preceding, or one year after, the promotion.
  - 7. Promotion of an officer to a first-line, or higher, administrator position requires successful completion of MPTSC-approved administrator training no more than two years preceding, or one year after, the promotion.
  - 8. If MPTSC-approved supervisor training has not previously been completed, supervisor training shall also be completed within the same timeline.
  - 9. Completion of MPTSC-approved training program on life-saving techniques, including CPR, every two years (Md. Code PS § 3-207; COMAR 12.04.01.12).
  - 10. The proper level and use of force and other related training requirements, including the collection of a signed training completion document from each trainee (Md. Code PS § 3-207; Md. Code PS § 3-524).
  - 11. Sensitivity to cultural and gender diversity (Md. Code PS § 3-207).
  - 12. Issues related to individuals with physical, intellectual, developmental, and psychiatric disabilities (Md. Code PS § 3-207).
  - 13. Any additional training required by the MPTSC (Md. Code PS § 3-207).
- (c) Additional State, DNR, or NRP mandated training.

# Maryland Natural Resources Police

## Policy Manual

### *Training*

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#### **203.5 TRAINING COMMITTEE**

The Superintendent has established a Training Committee, which assists with identifying training needs.

The Training Committee (TC) is comprised of those outlined in Procedure 1400 ("Committees, Boards and Panels").

The Training Division Commander is the chairperson.

Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Superintendent may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by the Agency to determine possible training needs.

The Training Committee should convene quarterly to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the chairperson. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time and location of the incident but should focus on the type of training being recommended.

The chairperson will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Agency and the available resources. Training recommendations as determined by the chairperson shall be submitted up the chain of command to the senior staff for review.

#### **203.6 TRAINING REQUESTS**

The NRP Training Division Personnel shall complete the training request paperwork for any course that is mandated by the Maryland Police and Correctional Training Commission (MPCTC). No training request paperwork needs to be submitted by the officer or their chain of command.

It is the responsibility of the submitting member to allow sufficient time for the request to be reviewed.

All requests to attend training, seminars, and conferences shall be submitted using the NRP-745, Travel/Training Request Packet.

Training requests shall route in the following manner:

- (a) All requests for training offered by organizations outside the NRP shall be submitted to the employee's immediate supervisor for processing.

# Maryland Natural Resources Police

## Policy Manual

### *Training*

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- (b) The supervisor shall either endorse or oppose the requested training and forward to the Area / Unit Commander for concurrence. In order to maximize efficiency, training requests may be submitted electronically.

The Area / Unit Commander shall:

- (a) Either endorse or oppose the training and make the appropriate notation on the NRP-745.
- (b) All training requests regardless of initial endorsement or opposition shall be forwarded through the chain of command to the Superintendent's office for final approval or denial by the Superintendent or designee. Each rank in the chain shall provide an endorsement or opposition on the NRP-745.
- (c) All denied requests shall be returned to the requesting officer with a NRP-510, Memorandum, with a brief explanation as to the reason for denial. A copy of the NRP-510 and NRP-745 shall be maintained in the training request file at the Office of the Superintendent. This file shall be purged every three years by the Superintendent's Executive Assistant.

Each rank in the chain of command shall offer an endorsement/opposition on the NRP-745 for the Bureau Chief's consideration. The Bureau Chief shall add their endorsement/opposition and ensure that all required paperwork is complete and accurate. The Bureau Chief shall forward the training request to the Superintendent's office for final approval or denial by the Superintendent or designee. All training paperwork shall be sent to the Superintendent's Executive Assistant. The Executive Assistant shall obtain any required approval signatures.

- (a) All training requests, regardless of initial endorsement or opposition at any level, shall continue through the chain of command to the Superintendent's office. If the request is ultimately denied by the Superintendent or designee, the submitting member shall receive a brief explanation for the denial, documented on an NRP-510 Memorandum.
- (b) For training requests that require MPCTC enrollment, the Lieutenant, in addition to the above steps, shall send a copy to the academy administrator to reserve a seat in the course prior to full approval.
- (c) Once final approval is given, a copy shall be sent from the Superintendent's office, the Training Division, and respective NRP personnel.
- (d) If the request is denied for an MPCTC course, the Training Division shall cancel the reservation.
- (e) Request paperwork must reflect the cost of any lodging request at the MPCTC Sykesville facility. Officers shall not reserve/utilize lodging without prior approval.
- (f) Under no circumstances will employees register for a course that has an associated cost prior to final approval.
- (g) All training or travel out of state, regardless of cost or if free, must have final approval.
- (h) In order to ensure a seat, employees may register for free in-state training/seminars prior to final approval.



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- (i) If an employee is unable to attend an enrolled training, it is the responsibility of the employee and the employee's supervisor to ensure proper notification is made at the earliest possible time so that a refund can be obtained and the seat opened to others. Employees who fail to attend scheduled training may face disciplinary action.
- (j) Officers should forward a copy of any training completion certificates to the academy administrator for inclusion in their training file.

#### **203.7 TRAINING ATTENDANCE**

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisors. Excused absences should be limited to:
  - 1. Court appearances.
  - 2. Previously approved vacation or time off.
  - 3. Illness or medical leave.
  - 4. Physical limitations preventing the member's participation.
  - 5. Emergency situations or agency necessity.
- (b) Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
  - 1. Document his/her absence in a memorandum to his/her supervisor.
  - 2. Make arrangements through his/her supervisor or the Commander to attend the required training on an alternate date.

#### **203.8 PROMOTIONAL TRAINING**

Within one year of the date of promotion to sergeant/first-line supervisor or lieutenant/management, the following training will be conducted:

- (a) Sergeant - First-Line Supervisor Training - Typically a 10-day course that includes problem-solving exercises focusing on the fundamental skills required of first-line supervisors and is taught to both law enforcement and correctional officers.
- (b) Lt. - First Line Administrators Training – Typically 6.5-day course that facilitates the understanding of effective management and leadership. Instructors guide students through scenario-based learning, role-player activities, and problem identification and resolution geared to either law enforcement or correctional officers.

#### **203.9 NOMINATIONS TO THE FBI ACADEMY AND OTHER EXECUTIVE LEADERSHIP TRAINING**

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

Selections must meet host agency criteria.

# Maryland Natural Resources Police

## Policy Manual

### *Training*

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#### **203.10 TRAVEL REGULATIONS**

Expenditures for official travel may be considered as reimbursable only if incurred in accordance with COMAR 23.02.01.

#### **203.11 DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Maryland Natural Resources Police Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training and Supply Division Commander.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training and Supply Division Commander. Members should not share their passwords with others and should frequently change their passwords to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Agency.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisors. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

#### **203.12 TRAINING RECORDS**

The Training Division Commander is responsible for the creation, filing and storage of all training records. Training records shall be retained in accordance with the established records retention schedule. In-Service Section coordinators shall enter and track all NRP In-service training within seventy-two (72) hours of completion via the RMS In-Service Form.

#### **203.13 TRAINING DIVISION COMMANDER**

The Training Division Commander is responsible for developing, reviewing, updating, and maintaining the agency training plans so that required training is completed. The Training Division Commander should review the training plans annually.

## Electronic Mail

<b>Effective Date:</b>	08/21/21
<b>Revised Date:</b>	REVIEWED--09/11/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Agency.

### 204.2 POLICY

Maryland Natural Resources Police members shall use email in a professional manner in accordance with this policy and current law, remaining aware that emails are subject to public disclosure under the Maryland Public Information Act (Md. Code GP § 4-101 et seq.).

### 204.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

### 204.4 EMPLOYEE RESPONSIBILITIES

Employees shall check their email each shift.

### 204.5 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration or practices of the Agency.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Agency are only to be used for official business-related items that are of particular interest to all users. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in his/her chain of command.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name or password. Any member who believes his/her password has become known to another person shall change their password immediately.

# Maryland Natural Resources Police

## Policy Manual

### *Electronic Mail*

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#### **204.6 EMAIL ENCRYPTION**

Employees can be held civilly and criminally liable for the loss of Personally Identifiable Information (PII)

The Code of Federal Regulations defines PII as:

2 CFR § 200.79 Personally Identifiable Information (PII): PII means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some information that is considered to be PII is available in public sources such as telephone books, public Web sites, and university listings. This type of information is considered to be Public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, and general educational credentials. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly available, in any medium and from any source, that, when combined with other available information, could be used to identify an individual.

Email encryption should be used for all email containing Personally Identifiable Information (PII) or other sensitive information.

Email encryption will not be used for routine communication that does not contain PII or other sensitive information.

#### **204.7 EMAIL RECORD MANAGEMENT**

Email may, depending upon the individual content, be a public record under the Maryland Public Information Act and must be managed in accordance with the established records retention schedule and in compliance with state law (Md. Code SG § 10-610; COMAR 14.18.02.04).

## Administrative Communications

<b>Effective Date:</b>	08/27/21
<b>Revised Date:</b>	REVIEWED--09/11/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 205.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Agency communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Agency.

### 205.2 POLICY

The Maryland Natural Resources Police will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

### 205.3 PERSONNEL ORDERS

Personnel Orders may be issued periodically by the Superintendent or the authorized designee to announce and document promotions, re-assignments, hiring and appointment of new members, reinstatements, separations, or other changes in status.

- (a) Personnel Orders will only be prepared with the Superintendent's approval.
- (b) Personnel Orders will be distributed to all members of the Natural Resources Police electronically
- (c) The Personnel Section will maintain the record copy of all personnel orders electronically.

### 205.4 CORRESPONDENCE

To ensure that the letterhead and name of the Agency are not misused, all official external correspondence shall be on agency letterhead. Agency letterhead may not be used for personal purposes. All correspondence that is going to be forwarded through the chain of command shall have a NRP-511, Routing Slip, attached.

Electronic correspondence shall contain the sender's agency-approved signature.

### 205.5 LETTERHEAD PAGE FORMAT

#### LETTERHEAD

# Maryland Natural Resources Police

## Policy Manual

### *Administrative Communications*

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(TWO LINES)

**DATE**

(FOUR LINES) (SPECIFY TYPE OF ORDER) **ORDER NO. 00-0000**

(ONE LINE)

**TO:**

(ONE LINE)

**FROM:**

(ONE LINE)

**SUBJECT:**

(ONE LINE)

(TAB) **BODY**

#### **205.6 MEMORANDA**

Memoranda shall be a formal means of communication within the Agency. The memoranda will:

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

#### **205.7 DETAILED REPORTS**

Detailed reports will be to transmit official information within the Agency on NRP Letterhead:

- (a) Convey NRP business
- (b) Submit a suggestion
- (c) Submit a request

#### **205.8 SURVEYS**

All surveys made in the name of the Agency shall be authorized by the Superintendent or the authorized designee.

#### **205.9 TRAINING PUBLICATIONS**

Training Publications are intended to be informative in nature.

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

## Supervision Staffing Levels

<b>Effective Date:</b>	08/27/21
<b>Revised Date:</b>	REVIEWED--09/11/23
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--10/01/24	

### 206.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Agency and members throughout all Bureaus.

### 206.2 POLICY

The Maryland Natural Resources Police will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Agency. The needs of its members should be balanced with the needs of the Agency for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Agency.

### 206.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum staffing levels should be established by the Bureau Commanders for each Bureau and work group. The supervision staffing levels should support proper supervision, span of control, compliance with any collective bargaining agreements or memorandums of understanding and activity levels to meet the needs of members and the goals of the Agency.

#### 206.3.1 TEMPORARY SUPERVISORS

In order to accommodate training and other unforeseen circumstances, a qualified lower-ranking member may be used as a temporary supervisor in place of a regularly assigned supervisor.

## Retiree Concealed Firearms

<b>Effective Date:</b>	04/17/23
<b>Revised Date:</b>	REVIEWED--09/11/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Maryland Natural Resources Police identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

### 207.2 POLICY

It is the policy of the Maryland Natural Resources Police to provide identification cards to qualified former or retired officers as provided in this policy.

### 207.3 DEFINITIONS

**Good Standing** – A status of a current law enforcement officer who does not have any open or unresolved administrative complaints or criminal charges relating to his/her police employment that likely would result in termination of employment; or a status of a former law enforcement officer who was not dismissed from police employment for actions that violated the mission, vision and core values/code of ethics of the agency, and/or who did not have any open or unresolved administrative complaints or criminal charges that likely would have resulted in termination of employment at the time of separation from service.

### 207.4 LEOSA

The Superintendent may issue an identification card for LEOSA purposes to any qualified former officer of this agency who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this agency as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this agency.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this agency where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.



# Maryland Natural Resources Police

## Policy Manual

### *Retiree Concealed Firearms*

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#### 207.4.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Maryland Natural Resources Police qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Agency to meet the active duty standards for qualification to carry a firearm.

#### 207.4.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this agency, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
  - (a) An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
  - (b) A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by federal or applicable state law or by a private person or entity on his/her property if such prohibition is permitted.

#### 207.5 MARYLAND RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARD

The Superintendent shall provide a retiring officer with an identification card within 45 days after the officer's retirement if the officer (Md. Code PS § 3-513):

- (a) Retired in good standing for reasons other than mental instability.
- (b) Before retirement, was certified by the Maryland Police Training and Standards Commission (MPTSC), had statutory powers of arrest in Maryland and completed an applicable probationary period.

Upon request, any officer who retired prior to Oct. 1, 2015, shall be issued an identification card if the criteria set forth above are satisfied.

# Maryland Natural Resources Police

## Policy Manual

### *Retiree Concealed Firearms*

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#### 207.5.1 MARYLAND RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARD FORMAT

A Maryland retired law enforcement officer identification card shall be in the form approved by the MPTSC and include the information specified in Md. Code PS § 3-513.

#### 207.6 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Office of the Superintendent of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

The retiree is responsible for obtaining the proper handgun training and qualification for active law enforcement officers. The retiree may obtain handgun certification and a LEOSA certification card from the MPTSC.

##### 207.6.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Agency for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Agency.
- (b) Remain subject to all applicable Agency policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.
  - 1. Sign a Criminal History Check Background Release of Information form allowing the agency to receive the results of the check.

#### 207.7 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Agency. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Superintendent. The decision of the Superintendent is final.

#### 207.8 FIREARM QUALIFICATIONS

The Lead Firearms Instructor may provide former officers from this agency an opportunity to qualify. Written evidence of the qualification and the weapons used shall be provided and shall contain the date of the qualification. The Lead Firearms Instructor shall maintain a record of the qualifications and weapons used via the RMS LEOSA Firearms Qualification Form. These scores shall be entered within seventy-two (72) hours of qualification.

## Committees, Boards, and Panels

<b>Effective Date:</b>	06/08/23
<b>Revised Date:</b>	REVIEWED--09/11/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 208.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the establishment and responsibilities of Agency committees, boards, and panels.

### 208.2 POLICY

The Agency has established committees and boards to offer guidance, expertise, and recommendations to the Office of the Superintendent and participates in external committees as appropriate.

### 208.3 AUTHORITY

- A. The Superintendent may authorize the convening of the appropriate committees, boards, or panels to conduct reviews or other specific actions and to provide recommendations to the appropriate authority based on a committee's review.
- B. Committee members shall notify their appropriate supervisor of their duties and responsibilities of the assigned committee and shall be accordingly relieved from normally assigned duties.
- C. Committee Chairs or lead Agency representatives assigned to a committee will be responsible for providing a status briefing at the monthly Commanders' meetings. They will also submit written reports to the Superintendent or Bureau Commander as appropriate.

### 208.4 CURRENT ESTABLISHED NRP COMMITTEES, BOARDS, AND PANELS

- A. For meetings with outside groups, the lead and the adjunct members should schedule themselves to attend all meetings. If for some reason the lead or the adjunct cannot attend, the member who attends should brief the other on matters discussed so that both members stay informed.
- B. Below is a list of the currently established NRP committees, boards, and panels, including their respective members and chairpersons, where applicable:
  1. Awards Review Board
    - (a) Chair: Chief of Staff Stanley Slide
    - (b) Public Information Officer Vincent Dortenzo
    - (c) Lt. James Tosten

# Maryland Natural Resources Police

## Policy Manual

### *Committees, Boards, and Panels*

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- (d) Lt. Lindsey Markert
  - (e) Lt. James Johnson
  - (f) Lt. Kevin Kelly
  - (g) Ms. Kenya Colbert
  - (h) Ms. Marquita Curtis
- 2. Disability Panel, and Reassignment Review Board
  - (a) These boards are comprised of the Bureau Chief, including the Administrative Services Bureau Chief.
- 3. Use of Force Review Board
  - (a) Chair: Bureau Chief of Community Partnerships and Employee Development
  - (b) Lead Firearms Instructor
  - (c) Lead Defensive Tactics Instructor
- 4. Vehicle/Vessel Collision Review Board
  - (a) Chair: Commander of Training & Recruitment Division
  - (b) Commander of Fleet, Supply & Maintenance Unit
  - (c) Lead EVOC Instructor - ( Vehicle)
  - (d) Lead Boating Instructor - (Vessel)
- 5. Fair Practices Workgroup
  - (a) Chair: Lt. Cameron Brown
  - (b) SLEOLA Representative
  - (c) PCS Tamika Rose- Briscoe
  - (d) Sgt. Mance McCall
  - (e) Cpl. Vincent Atrip
  - (f) Ofc. Christina Lees
  - (g) Ofc. Shea Waters
  - (h) Ofc. Charles McCauley
- 6. Training Committee
  - (a) Chair: Commander of Training & Recruitment
  - (b) Commander of Professional Development Unit
  - (c) Commander of Entry-Level Training Unit
  - (d) Supervisor of In-Service Training Section
  - (e) Supervisor of Entry - Level Training Section

# Maryland Natural Resources Police

## Policy Manual

### *Committees, Boards, and Panels*

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- (f) SLEOLA Representative
  - (g) Sgt. Bradley Bunting
  - (h) Sgt. Scott Davis
  - (i) Cpl. Brian Friend
  - (j) Cpl. Breanna McFarland
  - (k) Cpl. Ivan Wade
  - (l) Cpl. Anthony Pecoriello
  - (m) Ofc. Jerimie Craig
  - (n) PCO Denise Jaskulski
  - (o) Team Lead of TEMS
7. Use of Force Training Workgroup
- (a) The workgroup will be utilized on an as-needed basis and will be comprised of members of the Training Committee and/or non-committee members (selections made by the Chair of the Training Committee)
8. Firearms Training Workgroup
- (a) The workgroup will be utilized on an as-needed basis and will be comprised of members of Area Lead Firearms Instructors and Section Leads within the Special Operations Division (selections made by the Chair of Training Committee)
9. Emergency Operations Committee
- (a) Chair: Commander of Special Operation Division
  - (b) Commander of Eastern Region
  - (c) Commander of Southern Region
  - (d) Commander of Central Region
  - (e) Commander of Western Region
  - (f) Supervisor of Wireless Communications
  - (g) Director of Emergency Communications
  - (h) Commander of Professional Development Unit
  - (i) Primary MDEM Representative
  - (j) Commander of Criminal Investigations Unit
  - (k) Commander of Technology Unit
  - (l) Commander of Fleet, Supply & Maintenance Unit
10. Vehicle Committee
- (a) Chair: Cpt. Christopher Morris

# Maryland Natural Resources Police

## Policy Manual

### *Committees, Boards, and Panels*

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- (b) Commander of Logistics Division
  - (c) Commander of Fleet, Supply & Maintenance Unit
  - (d) Sgt. David Leithren
  - (e) Cpl. John Butts
  - (f) Cpl. Robert Duvall
  - (g) Cpl. Gina Tyler
  - (h) Ofc. Jamill Elliott
  - (i) Ofc. Brett Simon
  - (j) SLEOLA Representative
11. Vessel Committee
- (a) Chair: Capt. David Bailey
  - (b) Supervisor of Marine Maintenance Section
  - (c) Commander of Fleet, Supply & Maintenance Unit
  - (d) Sgt. Troy Brimer
  - (e) Sgt. Greg Certeza
  - (f) Cpl. Andrew Felsecker
  - (g) Cpl. Ivan Wade
  - (h) Ofc. Racquel Kavanaugh
  - (i) Ofc. Kyle Neitzel
  - (j) Ofc. Jayden Mulcahey-Carter
  - (k) Ofc. Tony Rossignuolo
  - (l) SLEOLA Representative
12. Uniform Committee
- (a) Chair: Capt. Jeffery Sweitzer
  - (b) Commander of Fleet, Supply & Maintenance Unit
  - (c) Supervisor of Quartermaster Section
  - (d) Cpl. David Breakall
  - (e) Cpl. Heshimu McCray
  - (f) Cpl. Michelle Burnette
  - (g) Ofc. Melissa Henderson
  - (h) Ofc. Brennan Pryweiczerski
  - (i) Ofc. Charles Wheatley

# Maryland Natural Resources Police

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### *Committees, Boards, and Panels*

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- (j) SLEOLA Representative
- 13. Technology Committee
  - (a) Chair: Lt. John Chatham
  - (b) Mr. David Christner
  - (c) Sgt. Michael Friend
  - (d) Sgt. Murray Hunt
  - (e) Sgt. Greg Jilek
  - (f) Cpl. Andrew Cummins
  - (g) Cpl. McKenzie Neille
  - (h) Cpl. Herbert Shannon
  - (i) Cpl. David Wilkinson
  - (j) PCO Michael Barr
- 14. Agency Efficiency & Optimization Committee
  - (a) Chair: Cpl. Vincent Artip
  - (b) Co-Chair: Ofc. Andrew Shifflett
  - (c) Lt. John Chatham
  - (d) Sgt. John Bunting
  - (e) Cpl. Robert Duvall
  - (f) Cpl. Connor Heavner
  - (g) Cpl. Cody Thorne
  - (h) Ofc. Thomas Burt
  - (i) Mr. Jimmie Base Jr.
  - (j) Ms. Ashley Faudree
- 15. Agency Identity & Branding Committee
  - (a) Chair: Cpl. Herbert Shannon
  - (b) Co-Chair: Ofc. Sonia Dohrn
  - (c) Lt. Jacob Coxon
  - (d) Lt. Lindsey Markert
  - (e) Sgt. Gloria Breakall
  - (f) Sgt. Mance McCall
  - (g) Cpl. John Butts
  - (h) Ofc. Billy Jackson

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- (i) PIO Vincent Dortenzo
  - (j) Mr. Jimmie Bise Jr.
  - (k) Ms. Anna Dahlstrom
  - (l) COS Stanley Slide
16. Budget & Procurement Efficiency Committee
- (a) Chair: Lt. Andrew Wilson
  - (b) Co-Chair: Ms. Amy Greenwood
  - (c) Maj. Scott Simmons
  - (d) Capt. Brandon Davis
  - (e) Lt. James Tosten
  - (f) Lt. April Sharpeta
  - (g) Sgt. Andrew Brayman
  - (h) Sgt. Stephan Burton
  - (i) Sgt. Michael Greenfield
  - (j) Sgt. Bryan Hughes
  - (k) Cpl. Cody Thorne
  - (l) Ofc. Aaron Cook
17. Employee Wellness & Appreciation Committee
- (a) Chair: Lt. Lindsey Markert
  - (b) Co-Chair: Cpl. Veronica Bruns
  - (c) Maj. Catherine Medellin
  - (d) Capt. Benjamin Lillard
  - (e) Lt. James Johnson
  - (f) Sgt. John Bunting
  - (g) Sgt. Mance McCall
  - (h) Cpl. Erica Garver
  - (i) Cpl. Amelia Hunt
  - (j) Cpl. Herbert Shannon
  - (k) Ms. Kenya Colbert
  - (l) Ms. Ashley Faudree
  - (m) Ms. April Holley
  - (n) RO Chaplin Peter Lee



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- (o) COS Stanley Slide
- 18. External Evaluation & Implementation Committee
  - (a) Chair: Capt. Christopher Morris
  - (b) Co-Chair: COS Stanley Slide
  - (c) Lt. John Chatham
  - (d) Lt. William Davis
  - (e) Lt. James Tosten
  - (f) Sgt. Michael Friend
  - (g) Ms. Abigail Divilio
- 19. Infrastructure & Logistics Evaluation Committee
  - (a) Chair: Sgt. Murray Hunt
  - (b) Co-Chair: Cpl. John Butts
  - (c) Capt. Brandon Davis
  - (d) Lt. William Davis
  - (e) Lt. James Tosten
  - (f) Lt. Andrew Wilson
  - (g) Sgt. Troy Brimer
  - (h) Sgt. Bryan Hughes
  - (i) Cpl. Andrew Cummins
  - (j) Cpl. Robert Duvall
  - (k) Ofc. Thomas Burt
  - (l) Ofc. Jayden Mulcahey-Carter
  - (m) Ofc. Connor Heavner
  - (n) Ofc. Cody Thorne
  - (o) PIO Vincent Dortenzo
- 20. Officer Appraisal System Evaluation Committee
  - (a) Chair: COS. Stanley Slide
  - (b) Co-Chair: Sgt. Michael Friend
  - (c) Maj. Melissa Scarborough
  - (d) Lt. Brian Miller
  - (e) Sgt. Bernard Haberkam
  - (f) Cpl. Veronica Bruns

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- (g) Cpl. Erica Garver
- (h) Ofc. Charles McCauley
- (i) Ofc. Robert Wood
- 21. Policy Review Committee
  - (a) Chair: Ofc. Sonia Dohrn
  - (b) Co-Chair: Sgt. Mark Miller
  - (c) Lt. William Davis
  - (d) Sgt. Scott Davis
  - (e) Sgt. Bernard Haberkam
  - (f) Sgt. Michael Friend
  - (g) S/Off. Robert Wood
  - (h) S/Off. Charles McCauley
- 22. Professional Growth & Leadership Development Committee
  - (a) Chair: Lt. Cameron Brown
  - (b) Maj. Brent Trautmen
  - (c) Lt. Cameron Brown
  - (d) Lt. Kevin Kelly
  - (e) Sgt. Troy Brimer
  - (f) Sgt. Scott Davis
  - (g) Sgt. Michael Greenfield
  - (h) Sgt. Mark Miller
  - (i) Cpl. Herbert Shannon
  - (j) Cpl. Anthony Pecoriello
  - (k) Cpl. Eric Pike
  - (l) PCO Yvette Campbell
  - (m) Mr. Agbo Agbo
  - (n) Ms. Anna Dahlstrom
- 23. Tidal Fish Advisory Committee
  - (a) Lead rep: Lt. Kevin Kelly
  - (b) Adjunct: Lt. James Johnson
- 24. Sport Fish Advisory Committee
  - (a) Lead rep: Capt. Shawn Garren

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- (b) Adjunct: Lt. Brian Noon
- 25. Wildlife Advisory Committee
  - (a) Lead rep: Lt. Brian Miller
  - (b) Adjunct: Lt. William Davis
- 26. Waterfowl Advisory Committee (3-year term - meets as needed)
  - (a) Lead rep: Capt. Christopher Morris
  - (b) Adjunct: Lt. Lindsey Markert
- 27. Atlantic States Marine Fisheries Committee (meets bi-annually)
  - (a) Lead Rep: Capt. David Bailey
  - (b) Adjunct: Lt. Donald Mackall
- 28. Maryland Aquaculture Coordinating Council (3 year term—meets bi-monthly)
  - (a) Lead rep: Capt. Jeffery Sweitzer
  - (b) Adjunct: Lt. James Tosten
- 29. Health and Safety Officer
  - (a) Team Lead of TEMS

#### 208.4.1 FAIR PRACTICES WORKGROUP

- A. The NRP has established the Fair Practices Work group as a mechanism within the Natural Resources Police that will provide the employee with an avenue of communications and means of resolving issues concerning any unfair practices by management.
- B. The mission of the Fair Practices Work Group shall be to review Agency Policies and Procedures, and any other concerns related to the issue of fair practices.
- C. The work group will be responsible for identifying those issues that may give the appearance or perception of being biased or otherwise prohibited by administrative policy, executive order, regulation, or law.
- D. Upon identifying the aforementioned concerns or practices, the Work Group will advise the Fair Practices Officer and the Superintendent of its findings, along with any recommendations for eliminating such bias.
- E. When Natural Resources Police personnel are confronted with problems that they prefer not to discuss with their immediate supervisor, this work group provides employees with a method of resolving their concerns.
- F. This ability of employees to openly and freely communicate concerns to their work group representatives, and the ability of work group members to discuss topics with their peers is a key to the success of the mission of the Fair Practices Work group.

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- G. All Natural Resources Police personnel shall render the requested assistance and cooperation necessary to ensure that the Fair Practices Work group is able to accomplish its assigned task.
- H. Members of the Fair Practice work group will be rotated on a five year term so that various members of the agency have an opportunity to participate.
- I. Representatives from each Area/Region, a representative from the Support Services Bureau, Special Services Bureau, and a chairperson who shall be appointed by the Superintendent.

#### **208.4.2 VEHICLE, VESSEL, UNIFORM AND TECHNOLOGY COMMITTEES**

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

- (a) Responsibilities:
  - 1. Review current and new equipment/uniforms/technology for efficiency and effectiveness.
  - 2. Submit proposals through Support Services Bureau Commander for senior command review and Superintendent's selection.
  - 3. Meet quarterly.
- (b) Membership:
  - 1. Committees will consist of NRP Captains holding the chair, at least five non-commissioned officers, and one additional member involved in the use and/or purchase of equipment, technology and uniforms.
  - 2. The Supply and Maintenance Unit Commander will serve as an Ad Hoc member on the vehicle, vessel and uniform committees.
  - 3. The Law Enforcement Technology Supervisor and Wireless Communications Supervisor will serve as an Ad Hoc member on the Technology Committee.
  - 4. SLEOLA may place a representative on each of these committees.
  - 5. Membership on these committees shall be for a 3 year term.
  - 6. Meetings shall be held quarterly with additional meetings scheduled as needed.

#### **208.5 LIAISON COMMITTEES/COMMISSIONS**

The following is a list of current committees/commissions on which NRP serves as a liaison:

- Tidal Fish Advisory Commission
- Sport Fish Advisory Commission
- Wildlife Advisory Commission
- Waterfowl Advisory Committee
- Atlantic States Marine Fisheries Commission
- Maryland Aquaculture Coordinating Council

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### *Committees, Boards, and Panels*

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Personnel assigned to the above shall have the following responsibilities:

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

Committee terms and meeting frequency:

- (a)
  - 1. Tidal Fish Advisory Committee
    - (a) Three (3) year term
    - (b) Meets quarterly
  - 2. Sport Fish Advisory Committee
    - (a) Three (3) year term
    - (b) Meets quarterly
  - 3. Wildlife Advisory Committee
    - (a) Three (3) year term
    - (b) Meets eight times per year
  - 4. Waterfowl Advisory Committee
    - (a) Three (3) year term
    - (b) Meets as needed
  - 5. Atlantic States Marine Fisheries Committee/Joint Enforcement Agreement
    - (a) Agency representatives are position specific to the Eastern Region
    - (b) Law enforcement committee meets bi-annually
  - 6. Maryland Aquaculture Coordinating Council
    - (a) Three (3) year term
    - (b) Meets bi-monthly

#### **208.6 AD HOC COMMITTEES**

Ad Hoc Committees shall have the following responsibilities and memberships:

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

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

#### **208.7 NRP ASSIGNMENTS TO COMMITTEES/BOARDS/PANELS/GROUPS/LIAISONS**

- A. The appointment of chairs, liaisons and members shall occur via the issuance of revisions of this policy.
- B. Unless otherwise noted, appointments are for three (3) years; however, some members are position-specific and will change automatically with changes in personnel.
- C. Unforeseen circumstances such as promotions, retirements, etc., may require the replacement of members.
- D. If a vacancy arises, the Chair or Lead Representative shall notify the Office of the Superintendent and recommend a replacement via the Chief of Staff. The Chief of Staff shall coordinate the naming of a replacement with other stakeholders, then direct the Research and Reporting Coordinator to issue a subsequent revision to the associated procedure.
- E. Members may serve more than one (1) term.

## **Chapter 3 - General Operations**

## Use of Force

<b>Effective Date:</b>	07/01/2022
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 300.1 PURPOSE AND SCOPE

To authorize when members may use force, and to establish duties before, during, and after the use of force.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**CHOKEHOLD:** a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation. Chokeholds are prohibited unless the use of deadly force is justified.

**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.

**DE-ESCALATION TECHNIQUES:** 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.

**IMMINENT THREAT:** a person presents an imminent threat when the person has the means and ability to harm the member or another person, and the member reasonably believes the person intends to deliver that harm.

**LESS-LETHAL FORCE:** force that, when employed as designed, intended, and consistent with policy and training, is not likely to cause death or serious physical injury. Devices may include, but are not limited to, batons or O.C. spray.

**REASONABLE, NECESSARY, AND PROPORTIONAL:** the review of every use of force will be to determine whether it was reasonable, necessary, and proportional in light of the totality of the circumstances that were known, or should have been known, to the member, and in light of NRP policy.

1. **REASONABLE:** a member uses reasonable force when the member uses no more force than is required to perform a lawful purpose.



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2. **NECESSARY:** force is necessary only when no reasonably effective alternative exists. When force is necessary, members will use force in a manner that avoids unnecessary injury or risk of injury.

3. **PROPORTIONAL:** proportionality measures whether the force used by the member is rationally related to the level of resistance or aggression confronting the member, or the law enforcement objective.

**RESISTANCE:** members may face the following types of resistance to lawful orders:

1. **ACTIVE RESISTANCE:** when a person moves to avoid detention or arrest but does not attack or attempt to attack the member or another person. Attempts to leave the scene, fleeing, hiding from detection, physical resistance to being handcuffed, or pulling away from the member's grasp are all examples of active resistance.

2. **PASSIVE RESISTANCE:** when a non-assaultive person fails to comply with a member's commands without attempting to flee. Examples include, but are not limited to, going limp, refusing to speak, standing stationary and not moving based upon lawful direction, and/or verbally signaling an intention to avoid or prevent from being taken into custody.

**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.

**TOTALITY OF THE CIRCUMSTANCES:** consists of all facts and circumstances surrounding any event that are known or reasonably should have been known at the time. The facts and circumstances may include, but are not limited to: whether an offense has occurred; the nature of the offense; the seriousness of the offense; the size and strength of the subject; the number of subjects; the availability of weapons; whether the subject is exhibiting signs of mental illness or is experiencing a behavioral health crisis; whether the person suffers from a medical or behavioral health disability, physical or hearing impairment, is impaired by alcohol or drug use, or may be non-compliant due to a language barrier; other force options; availability of non-force options including tactical repositioning, moving to cover, or other de-escalation techniques; environmental factors such as backdrop; and the availability of back up and specialized units.

**USE OF FORCE:** any physical strike, or contact with an instrument, of a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes: discharge of a firearm, use of chemical agents, use of impact weapons, use of an electronic control weapon, taking a subject to the ground, and any physical contact that includes control techniques. The term does not include a member's mere presence, verbal commands, escorting or handcuffing a person with minimal or no resistance.

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#### **300.2 POLICY**

Members may not use force against a person unless, under the totality of the circumstances, the force is reasonable, necessary and proportional to prevent an imminent threat of physical injury to a person or to accomplish a legitimate law enforcement objective. The decision to use force requires careful attention and continual assessment of the situation, threats, options, and risks, with the goal of resolving the encounter peacefully. Members who use force that is not reasonable, necessary, and proportional will be subject to corrective action, possible discipline, possible criminal prosecution, and/or civil liability.

##### **300.2.1 REFERENCES**

MD. CODE ANN., CRIM. LAW §3-201

MD. CODE ANN., PUB. SAFETY §3-524

##### **300.2.2 CORE PRINCIPLES**

- A. **ASSESSMENT:** members will continuously assess each situation and change their response as circumstances change. Members may be justified in using force in one instance, but not justified in using force later in the same incident. The actions of the suspect and the member will be assessed throughout the entire encounter, not simply the moment the member uses force.
- B. **DE-ESCALATION TECHNIQUES:** when time, circumstances, and safety allow, member will take steps to gain compliance and de-escalate conflict without using force in accordance with the De-Escalation policy found within this manual.
- C. **PEACEFUL RESOLUTIONS:** members will avoid the use of force unless it is not reasonably possible to do so.
- D. **RETALIATORY FORCE:** members are prohibited from using force against persons lawfully engaged in First Amendment-protected activities solely to punish persons for fleeing, resisting arrest or assaulting an officer, or for any other retaliatory reason.
- E. **SANCTITY OF HUMAN LIFE:** members will make every effort to preserve human life in all situations.
- F. **USE OF FORCE (REASONABLE, NECESSARY AND PROPORTIONAL):** members will use only the force reasonable, necessary, and proportional to respond to the threat or resistance to effectively and safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.
- G. **VALUE AND DIGNITY OF PEOPLE:** members will respect and uphold the value and dignity of all people at all times.

##### **300.2.3 GENERAL PROVISIONS FOR USE OF FORCE**

- A. Members have the authority to use force that is reasonable, necessary and proportional.
- B. When practical, members should announce force will be utilized prior to the application of force.

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- C. Members may only use weapons and/or techniques that are authorized by policy and on which the member is trained, unless warranted by the totality of circumstances.
- D. Members will cease the use of force as soon as:
  - 1. the person on whom the force is used is under their control or no longer poses an imminent threat of physical injury or death to themselves or to another person; or
  - 2. they determine the force will no longer accomplish a legitimate law enforcement objective.

#### 300.2.4 CRITICAL THINKING

- A. To the extent that time and circumstances allow, prior to using force, members will use a critical thinking and decision-making framework to analyze and respond to incidents. This framework will allow members to uphold the sanctity of life and protect themselves by slowing down and stabilizing a situation to minimize the likelihood of a use of force incident. Using this framework, members will:
  - 1. assess the situation, threats, and risks;
  - 2. gather relevant facts about the incident;
  - 3. consider their police powers and the law/NRP policy;
  - 4. identify other options and determine the best course of action (the member might have to delay or even abandon a law enforcement objective if the only way to accomplish the objective is through using force that, under the circumstances, would likely result in harm that far exceeds the value of the interest the member seeks to protect through the use of force); and
  - 5. act, review and re-assess the situation.

#### 300.2.5 RESTRAINED PERSONS

- A. Members will not use force against those who are handcuffed or otherwise restrained, except in exceptional circumstances where the totality of circumstances makes it reasonable and necessary to prevent injury or escape. Generally, members should not use force against a handcuffed or restrained person if the person's actions only present a risk of property damage.
- B. Members are cautioned that force that may be proportional against an unrestrained person may not be proportional when used on a restrained person. As with any use of force, members are required to use de-escalation techniques and critical thinking in order to avoid the use of force.
- C. Members will not position a restrained person face-down as it may cause positional asphyxia. Additionally, members will avoid placing suspects on their backs as it can cause nerve damage to the wrist and forearm area. Restrained persons should be seated or placed on their side.

#### 300.2.6 USE OF DEADLY FORCE

- A. Members may use deadly force only when the member reasonably believes the action is in defense of any human life in imminent danger of death or serious bodily injury.

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- B. Members will not use deadly force unless de-escalation and less-lethal force options have been tried and failed, or are not safe based on the totality of circumstances.
- C. The use of deadly force will always be the last resort.

#### 300.2.7 RESTRICTIONS ON THE USE OF DEADLY FORCE

- A. Prior to the decision to employ deadly force, members will consider environmental conditions such as field of fire, backdrop, bystanders, potential for ricochet, possibility of over- penetration, and other risks to life.
- B. When safety permits, members should identify themselves as law enforcement and state their intention to use deadly force before using a firearm or employing any form of deadly force.
- C. Deadly Force will not be used to subdue people whose conduct is a threat only to property or against those who are only a threat to themselves.
- D. The following actions are prohibited unless the use of deadly force is authorized and no reasonable alternatives exist:
  - 1. discharge of a firearm at a person;
  - 2. strikes with any hard object, such as a baton, flashlight, radio, weapon stock/handle, etc. to the person's head, neck, sternum, spine, groin, or kidneys;
  - 3. intentional strikes of a person's head against a hard, fixed object including, but not limited to, a roadway, concrete floor, wall, or iron bars;
  - 4. kneeing or kicking a person's head, neck, back, or torso, including "knee drops" onto a prone person;
  - 5. use of chokeholds or vascular neck restraints;
  - 6. discharge of a less-lethal launcher to the chest, neck, or head at close range;
  - 7. the use of any force on a person whose health, age, condition, or circumstances are reasonably known to make it likely that death or serious physical injury will occur.
- E. Firing warning shots and firing into crowds is prohibited.
- F. Members will not fire a weapon from or at a moving vehicle, except:
  - 1. to counter an immediate threat of death or serious physical injury to the member or another person, by a person in the vehicle using means other than the vehicle; and
  - 2. to counter a situation where the member or another person is in the path of the vehicle and cannot move to safety. Members will not position themselves in the path of a moving vehicle where they have no option but to use deadly force.

#### 300.2.8 REQUIRED ACTIONS

- A. Duty to Intervene

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1. All members have a duty to intervene to prevent or stop the use of force by another law enforcement officer beyond what is authorized by law, if they have a reasonable opportunity and ability for intervention.
  2. Members will immediately report such incidents to a supervisor.
- B. Duty to Provide Medical Assistance
1. Whenever there is a visible injury, complaint of injury, signs of medical distress, or when medical attention is requested by any person, members will promptly render basic first aid consistent with their training and will request medical assistance through communications personnel.
  2. If a person has been subjected to impact by any type of less-lethal force including batons or O.C. spray, the person will be provided medical treatment. If the person refuses medical treatment or leaves the location (e.g., an unlawful gathering dispersed by less-lethal force that voluntarily leaves without aid), members must document the actions taken to identify and render aid to the person.
- C. Children, Youth and/or Person Experiencing Behavior Health Disorders or a Crisis
1. During encounters with children, youth, and/or persons experiencing behavioral health disorders or a crisis, members will employ developmentally-appropriate, trauma-informed tactics including, but not limited to, using a calm and natural demeanor, and avoiding threatening language.
  2. Members should account for any fear-based reactions that children, youth, and/or persons experiencing behavioral health disabilities or in crisis may experience during an encounter with law enforcement.
  3. If attempts to de-escalate an encounter with a child, youth, or person experiencing a behavioral health disability or in crisis are unsuccessful to resolve the incident, and a use of force is reasonable, necessary, and proportional, members should consider personalized factors of the individual, including: apparent age; body size; strength of the member relative to the individual; and the risk posed by the individual.
  4. In the case of injury resulting from a use of force, in addition to the other requirements outlined in this policy, the member will ensure the child or young person's parent, guardian, or other responsible adult, is promptly notified.

### 300.2.9 REPORTING

- A. Following a use of force incident, members will notify a supervisor immediately.
- B. In addition, any member with knowledge that another member used force, must also immediately report the incident to a supervisor.
- C. Members will fully document all use of force incidents that they were involved in or observed in accordance with the "Reporting Requirements for Use of Force/Civilian Injury Incidents" policy.

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#### 300.2.10 LESS-LETHAL FORCE

- A. When reasonable, necessary and proportional, a member may use various forms of less-lethal force within the scope of their NRP training and only after they have received:
  - 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;
  - 3. training on the policy that addresses the use of the weapon or technique.
- B. Certain less-lethal weapons are authorized for use by certain units (e.g., Tactical Response Team) and the use of these weapons will be governed by a local Standard Operating Procedure.

#### 300.2.11 TRAINING

- A. All members will:
  - 1. undergo training on when a law enforcement officer may or may not draw a firearm or point a firearm at a person and on enforcement options that are less likely to cause death or serious physical injury, including scenario-based training, de-escalation tactics and techniques, and reasonable alternatives to decrease physical injury; and
  - 2. sign a training completion document, the NRP-002 (Use of Force Training Affirmation) stating the member understands and will comply with the Maryland Use of Force statute.
- B. All members will receive initial and annual training on the law and the Agency's use of force policy and will demonstrate proficiency with all approved lethal weapons and electronic controlled weapons that they are authorized to use. Training for all other less-lethal weapons and weaponless control techniques will be provided initially and 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 completed and documented in accordance with the procedures established by the Training Unit for those who are unable to qualify with an authorized weapon prior to resuming their duties.

## Reporting Requirements for Use of Force/ Civilian Injury Incidents

<b>Effective Date:</b>	07/01/22
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 301.1 PURPOSE AND SCOPE

To describe the reporting requirements related to use of force and/or civilian injury incidents.

### 301.2 DEFINITIONS

**BLUE TEAM** – A web-based application enabling users to document and monitor incidents including, but not limited to: citizen/external complaints, internal complaints, firearm discharges, use of force incidents, vehicle pursuits and departmental collisions.

**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.

**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.

**SHOW OF FORCE:** the pointing of a firearm, electronic control weapon or less-lethal launcher at a person.

**USE OF FORCE:** any physical strike, or contact with an instrument, of a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes: discharge of a firearm, use of chemical agents, use of impact weapons, use of an electronic control weapon, taking a subject to the ground, and any physical contact that includes control techniques. The term does not include a member's mere presence, verbal commands, escorting or handcuffing a person with minimal or no resistance.

### 301.3 POLICY

Following all use of force and/or civilian injury incidents, members will adhere to the procedures and reporting requirements of this directive.

### 301.4 REFERENCES

MD. CODE. ANN., PUBLIC SAFETY § 3-514

MD. CODE ANN., STATE GOV'T, § 6-106.2

# Maryland Natural Resources Police

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### *Reporting Requirements for Use of Force/Civilian Injury Incidents*

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#### Attorney General Independent Investigations Division (IID) Protocols

#### **301.5 NOTIFICATION PROCEDURES FOR CERTAIN INCIDENTS**

- A. The following incidents require immediate notification to the supervisor or duty officer responsible for the area in which it occurs:
  - 1. all firearm discharges, with the exception of practice on a firing range, when a member dispatches a wounded, injured or dangerous wild animal, or black bear conditioning;
  - 2. all deadly force incidents; and
  - 3. any police-involved incident that results in death or serious physical injury of a civilian.
- B. Upon being notified, the supervisor or duty officer will contact their commander, the Special Operations Division Duty Officer, and, if applicable, the involved member's commander.
- C. In instances described in sections a2 and a3 above, the Special Operations Division Duty Officer will initiate the response of:
  - 1. the Criminal Investigation Unit,
  - 2. if applicable, the Maryland State Police Crash Team (if the incident involves a collision) via the MSP HQ Duty Officer;
  - 3. if applicable, the Maryland State Police Crime Scene Unit (if crime scene processing is requested) via the MSP HQ Duty Officer;
  - 4. Attorney General's Independent Investigation Division (IID);
  - 5. Internal Affairs Unit (IAU); and
  - 6. the Public Information Officer.
- D. The involved member's commander will, through their chain of command, notify their bureau chief who is responsible for notifying the Superintendent.
- E. The following will apply if the incident occurs outside Maryland:
  - 1. The involved member will immediately notify the DNR Communications Center, who will notify the involved member's supervisor or their Duty Officer;
  - 2. In addition to the notifications required in section C, the supervisor or Duty Officer will notify the involved member's commander.
  - 3. Any necessary criminal investigation will be conducted by the law enforcement agency having jurisdiction. The Criminal Investigation Unit and the IAU will act as liaisons with the investigating agency.

#### **301.6 OFFICER'S RESPONSIBILITIES AND RIGHTS**

A member involved in a deadly force incident or any police-involved incident that results in death or serious physical injury of a civilian:



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### *Reporting Requirements for Use of Force/Civilian Injury Incidents*

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- A. should not discuss the incident with anyone other than the investigators assigned to conduct the criminal and administrative investigation, or the member's counsel;
- B. will be afforded the rights provided by law and NRP policy; and
- C. will be permitted legal representation, if requested.

#### **301.7 INITIAL RESPONSE TO USE OF FORCE INCIDENTS**

- A. A supervisor will respond to the scene of any incident during which a member used physical force and caused serious physical injury and will:
  - 1. if necessary, ensure emergency medical services have been notified;
  - 2. make the notifications required by section 301.5 above, if the notifications have not already been made;
  - 3. begin to gather the facts surrounding the incident;
  - 4. when a member's firearm is discharged, secure the firearm for further investigation; and
  - 5. ensure evidence is gathered and reviewed, to include all known video recordings.
- B. The commander of the involved member will respond to all deadly force incidents or any police-involved incident resulting in death or serious physical injury of a civilian and will:
  - 1. consult with the IAU and the Criminal Investigation Unit to determine who will conduct the administrative and/or criminal investigation; and
  - 2. when a member's firearm is discharged, arrange for an immediate replacement firearm to be issued to the member, if appropriate.
- C. The Attorney General's IID will lead all investigations for police-involved incidents that result in the death or injuries that are likely to result in the death of a civilian.
  - 1. State law and the IID protocols which include provisions for the public information plan and the role of the local state's attorney will be followed.
  - 2. The Criminal Investigation Unit, in coordination with the In-Service Training Unit, will ensure training is provided to all commanders and supervisors on how IID related incidents are managed. In addition, awareness training addressing IID-related incidents will be provided to all sworn employees.
- D. The procedures outlined in the Critical Incident Stress Management policy will be followed for any critical incident.

#### **301.8 SUPERINTENDENT'S ORDER OF LIMITED DUTY STATUS**

- A. Whenever a member is directly involved in a deadly force incident or any police-involved incident that results in the death of a civilian, the member's commander will, as soon as practical, provide the member with a signed NRP-837, Superintendent's Order to Perform Administrative Duties & Limitations on Use of Police Powers, placing the member in a limited duty status.

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- B. Until ordered by the Superintendent, the member will not take any police action, except while acting in self-defense, or to defend another person from death or serious injury. This restriction applies at all times, to include secondary employment.
- C. The member may retain and carry the member's badge and NRP-issued firearm; however, the member may not wear a NRP uniform or drive a marked police vehicle.
- D. Once the Superintendent determines the member should return to full duty, the Superintendent will complete a NRP-838, Return to Duty Order, which will be provided to the member through the chain of command.
- E. The Superintendent reserves the right to change the duty status and modify the restrictions at any time should additional information become available.
- F. Nothing in this policy will preclude the application of the Emergency Suspension of Police Powers section of this manual if deemed appropriate, by the employee's commander, in consultation with the on-scene investigators.

### **301.9 DOCUMENTATION REQUIREMENTS**

- A. All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.
- B. Whenever a citizen is injured or alleges he has been injured, the supervisor will ensure photographs are taken and submitted as appropriate.
- C. Blue Team Entry and Routing procedure
  - 1. Involved officer
    - (a) Whenever the level of force used during an arrest, or while a suspect is in custody, is greater than that normally required to handcuff a suspect, or whenever a person is injured or alleges he has been injured, each member who used force will complete a Blue Team incident and RMS incident report. Members who witness a Use of Force Incident, but do not use force will document their observations in a supplemental RMS incident report. Officer / Citizen witnesses will be identified in the Blue Team incident as such.
    - (b) Each officer who shows force as defined above will complete a Show of Force Blue Team incident. This will be in addition to the Use of Force Blue Team incident and RMS incident report, if applicable.
    - (c) The above reports will be submitted by the involved officers before the end of the shift during which the Use of Force / Show of Force occurred. If the Use of Force results in death or serious physical injury, the supervisor shall complete the Blue Team incident.
    - (d) Upon completion of the Blue Team incident, the incident will be forwarded to the supervisor of the next rank for investigation.
  - 2. Investigating Supervisor / Duty Officer
    - (a) **Within 24 hours** from which the incident occurred:

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### *Reporting Requirements for Use of Force/Civilian Injury Incidents*

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- (a) The supervisor will review the incident for completeness and approve both the RMS report and Blue Team incident.
  - (b) The supervisor will upload and attach any photos, the approved RMS report and any supplements to the Blue Team incident using the edit incident function.
  - (c) Once their review is completed, the supervisor will enter their findings in the comments section in Blue Team and forward the incident to the Area/Unit Commander for review.
- 3. Reviewing Supervisor
  - (a) The Area /Unit Commander will complete a Use of Force Review, document whether the incident was within conformance of Policy and forward the completed incident to the Captain.
  - (b) Once the Blue Team incident is forwarded to the Captain's level, the Captain shall perform a final review of the incident and forward it directly to the IAU Commander in IAPro.
    - 1. The incident will then be sent to the NRP Review Board for final disposition.
- 4. Internal Affairs Unit (IAU) Commander
  - (a) Once the Blue Team incident is forwarded to the IAU Commander, the Commander shall review the incident and distribute the incident to the Commander of the Training Unit.
  - (b) As soon as practical, but within 7 calendar days of the incident absent extenuating circumstances, the Commander of the Training Unit and Internal Affairs Unit will submit their comments regarding the incident in the routing section of the Blue Team incident.
  - (c) The IAU will then forward the incident to the NRP Use or Force Review Board.
- D. The NRP Review Board shall conduct or assign the completion of the Use of Force review, as appropriate.
- E. Annually, the Superintendent should direct a documented review and analysis of agency use of force and firearms discharges to minimally include policy suitability, policy compliance and training needs.

### **301.10 DOCUMENTATION REQUIREMENTS--FIREARMS DISCHARGE**

- A. All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.
- B. Blue Team Entry and Routing procedure
  - 1. Supervisor
    - (a) Within 24 hours from which the incident occurred, a Firearm Discharge incident will be completed by the investigating supervisor.

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- (b) Investigating supervisors will complete and submit a Blue Team Incident and RMS report for all firearms discharges, with the exception of practice or qualifying on a firing range, black bear conditioning or when using their firearm to kill a wounded, injured or dangerous wild animal. Discharging their firearm to kill a wounded, injured or dangerous domestic animal will be documented with a Blue Team Incident and RMS report.
- (c) If applicable a Use of Force incident will be completed in addition to the Firearms Discharge incident in Blue Team.
- (d) The routing procedure for all incidents will follow those outlined in section 301.9.

#### **301.11 USE OF FORCE REVIEW BOARD**

See the section of this manual entitled "Use of Force Review Board".

## De-Escalation

<b>Effective Date:</b>	07/01/22
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 302.1 PURPOSE AND SCOPE

To ensure members use de-escalation techniques to reduce threats, gain the voluntary compliance of persons, and safely resolve a situation. When feasible, reducing the need for force allows members to secure their own safety as well as the safety of the public.

### 302.2 DEFINITIONS

**DE-ESCALATION TECHNIQUES:** 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.

**TOTALITY OF THE CIRCUMSTANCES:** consists of all facts and circumstances surrounding any event that are known or reasonably should have been known at the time. The facts and circumstances may include but are not limited to: whether an offense has occurred; the nature of the offense; the seriousness of the offense; the size and strength of the subject; the number of subjects; the availability of weapons; whether the subject is exhibiting signs of mental illness or is experiencing a behavioral health crisis; whether the person suffers from a medical or behavioral health disability, physical or hearing impairment, is impaired by alcohol or drug use, or may be non-compliant due to a language barrier; other force options; availability of non-force options including tactical repositioning, moving to cover, or other de-escalation techniques; environmental factors such as backdrop; and the availability of back up and specialized units.

**USE OF FORCE:** any physical strike, or contact with an instrument, of a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes: discharge of a firearm, use of chemical agents, use of impact weapons, use of an electronic control weapon, taking a subject to the ground, and any physical contact that includes control techniques. The term does not include a member's mere presence, verbal commands, escorting or handcuffing a person with minimal or no resistance.

### 302.3 REFERENCES

MD. CODE ANN., PUB. SAFETY, § 3-524

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#### **302.4 CORE PRINCIPLES**

- A. **ASSESSMENT:** members will continuously assess each situation and change their response as circumstances change. Members may be justified in using force in one instance, but not justified in using force later in the same incident. The actions of the suspect and the member will be assessed throughout the entire encounter, not simply the moment the member uses force.
- B. **AVOIDING ESCALATION:** members will not do or say anything that escalates an encounter, unless necessary to achieve a lawful purpose.
- C. **IMPORTANCE OF DE-ESCALATION IN CERTAIN ENCOUNTERS:** the use of de-escalation techniques is especially important to maintain member and citizen safety during encounters with children, youth, and persons experiencing a behavioral health disorder or crisis.
- D. **PEACEFUL RESOLUTIONS:** members will avoid the use of force unless it is not reasonably possible to do so.
- E. **SANCTITY OF HUMAN LIFE:** members will make every effort to preserve human life in all situations.
- F. **SOUND TACTICS:** members will comply with Agency policy, follow training, exhibit sound tactics, and will be held accountable for poor tactical decisions, including failure to de-escalate and uses of force that violate the law or NRP policy.
- G. **USE OF FORCE (REASONABLE, NECESSARY AND PROPORTIONAL):** members will use only the force reasonable, necessary, and proportional to respond to the threat or resistance to effectively and safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.
- H. **VALUE AND DIGNITY OF PEOPLE:** members will respect and uphold the value and dignity of all people at all times.

#### **302.5 EXAMPLES OF DE-ESCALATION TECHNIQUES**

De-Escalation Techniques may include, but are not limited to:

- A. Communication techniques to calm an agitated subject and promote rational decision making such as:
  - 1. ensuring whenever possible, only one member communicates and addresses the person (the presence of multiple officers issuing commands to an agitated subject may escalate the incident by increasing the likelihood of miscommunication, and is less likely to result in a peaceful resolution);
  - 2. regulating vocal tone, pitch and body language (e.g., speaking slowly in a calm voice, rather than shouting commands);
  - 3. sharing the member's name, asking the person their name, and exhibiting a genuine willingness to listen;
  - 4. practicing procedural justice techniques, such as explaining the member's actions and responding to questions (e.g., directly answering questions about why the police are there or taking action);

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5. verbal persuasion (e.g., explaining how the person would benefit from cooperation);
  6. verbal advisements (e.g., respectfully explaining the person's rights or what the police want the person to do);
  7. verbal warnings (e.g., notifying the person of the consequences of continued noncooperation and then offering the person a chance to cooperate); or
  8. avoiding unnecessary display of weapons, including a firearm, a expandable baton or OC Spray.
- B. Decreasing exposure to the potential threat by moving to a safer position. This may involve:
1. creating distance;
  2. seeking cover;
  3. tactical repositioning; or
  4. in appropriate circumstances, concealment.
- C. Slowing down the pace of the incident by slowing speech and/or applying the critical thinking framework, including:
1. waiting out the person;
  2. avoiding immediate physical confrontation;
  3. calling for extra resources, whenever possible such as:
    - (a) additional members;
    - (b) specially trained members and/or resources (e.g., negotiators, behavioral health care providers, TRT, bilingual members, etc.); or
    - (c) members equipped with less-lethal weapons.
  4. identifying other options and determining the best course of action (the member might have to delay or even abandon a law enforcement objective if the only way to accomplish the objective is through using force that, under the circumstances, would likely result in harm that far exceeds the value of the interest the member seeks to protect through the use of force).

### **302.6 REQUIRED ACTION BY OFFICERS**

- A. As part of their tactical planning, members should begin to think through de-escalation techniques prior to arriving on the scene.
- B. Members will use de-escalation techniques to attempt to reduce threats, gain voluntary compliance of persons, and safely resolve a situation.
- C. Members will perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions including, but not limited to, immediately approaching a subject without proper evaluation of the situation, failing

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to leave sufficient space between the member and the subject, closing the reactionary gap, or escalating a situation.

- D. When time and circumstances reasonably permit, members should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to: medical conditions; behavior health disability; developmental disability; physical limitation; language barrier; drug interaction, and/or behavioral health crisis.
  - 1. A member's awareness of these factors, when time and circumstances reasonably permit, will then be balanced against the facts of the incident facing the member when deciding which options are most appropriate to bring the situation to a safe resolution.
- E. During encounters with children, youth, and/or persons experiencing behavioral health disorders or a crisis, members will employ developmentally-appropriate, trauma-informed tactics including, but not limited to, using a calm and natural demeanor, and avoiding threatening language.
  - 1. Members should account for any fear-based reactions that children, youth, and/or persons experiencing behavioral health disabilities or in crisis may experience during an encounter with law enforcement.
  - 2. If attempts to de-escalate an encounter with a child, youth, or person experiencing a behavioral health disability or in crisis are unsuccessful to resolve the incident, and a use of force is reasonable, necessary, and proportional, members should consider personalized factors of the individual, including: apparent age; body size; strength of the member relative to the individual; and the risk posed by the individual.
- F. Any force used will be de-escalated immediately as resistance decreases. If the individual stops resisting, the member will stop using force.

### **302.7 REQUIRED TRAINING**

- A. The Training Unit will provide members with de-escalation training, in the Academy and during annual in-service training.



## Use of Force Review Board

<b>Effective Date:</b>	09/27/22
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--10/01/24	

### 303.1 PURPOSE AND SCOPE

This policy establishes a process for the Maryland Natural Resources Police to review the use of force by its members.

This review process shall be in addition to the investigation conducted by the Office of the Attorney General's Independent Investigations Division (IID).

### 303.2 POLICY

The Maryland Natural Resources Police will objectively evaluate the use of force by its members to ensure that their authority is used appropriately and consistent with training and policy.

### 303.3 ADMINISTRATIVE ASSIGNMENT

Generally, whenever a member's actions or use of force in an official capacity, or while using agency equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment by the Superintendent. The Superintendent may exercise discretion and choose not to place a member in an administrative assignment.

### 303.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another. All other use of force reports will be reviewed by the Chairperson and a determination made whether review by the Review Board is appropriate.

The Use of Force Review Board will also review all firearms discharges that are not excluded in the Agency's Firearms Policy.

The Superintendent may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

It will be the responsibility of the Bureau Commander of the involved member to notify the Superintendent of any incidents requiring board review. The involved member's Bureau Commander will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### 303.4.1 COMPOSITION OF THE BOARD

The Superintendent should staff the Use of Force Review Board with the following individuals, as appropriate:

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- (a) A Major who is not in the same bureau as the involved member will serve as chairperson.
- (b) The Regional/Division Commander of the involved officer(s).
- (c) The Commander of the Training Unit.
- (d) The Commander of the Criminal Investigations and Response Team Unit.
- (e) The Commander of the Internal Affairs Unit.
- (f) Lead firearms instructor
- (g) Command of the Communications Center
- (h) A peer officer/agency member
- (i) A law enforcement officer from an outside law enforcement agency, as appropriate
- (j) Agency instructor for the type of weapon, device or technique used

#### 303.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information.

The board does not have the authority to recommend discipline.

The board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, agency policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the use of force.

The board shall make one of the following recommended findings:

- (a) The member's actions were within agency policy and procedure.
- (b) The member's actions were in violation of agency policy and procedure.

The board may also recommend additional investigations or reviews, such as administrative investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Superintendent within 15 days.

The Superintendent shall review the recommendation, make a final determination as to whether the member's actions were within policy and procedure, and will determine whether any additional actions, investigations or reviews are appropriate. Those findings will be forwarded to the

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appropriate Commander for review and necessary action. If the Superintendent concludes that discipline should be considered, an internal investigation will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Internal Affairs Unit.

#### **303.5 DEADLY FORCE REVIEW BOARD PROCEDURES**

The Internal Affairs Unit Commander will present the case to the board. The case file will include the reports of the IID and the Internal Affairs Unit.

- (a) At the chairperson's direction, the board may hear testimony from the involved officer(s), witness(es), investigator(s), or other applicable parties.
- (b) Due to the board 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 with the request to testify will be on a voluntary basis.
- (c) 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.

#### 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/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.

## Handcuffing and Restraints

<b>Effective Date:</b>	01/07/22
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

### 304.2 POLICY

The Maryland Natural Resources Police authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and agency training. Restraint devices shall not be used to punish, to display authority or as a show of force.

### 304.3 USE OF RESTRAINTS

Only members who have successfully completed Maryland Natural Resources Police-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest
- The demeanor and behavior of the arrested person
- The age and health of the person
- Whether the person is known to be pregnant
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes
- Whether the person has any other apparent disability

#### 304.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

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#### **304.3.2 RESTRAINT OF PREGNANT PERSONS**

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

#### **304.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

#### **304.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

When transporting prisoners, officers will be expected to use handcuffs and or other agency approved restraining devices. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

As a general rule, prisoners should not be handcuffed with their hands in front of their body while on land (see Transportation by Vessel). In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size or disability, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

#### **304.5 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only agency-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

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#### **304.6 PRISONER TRANSPORT**

When transporting prisoners, beginning and ending mileage/hours will be relayed to the Communications Center.

##### **304.6.1 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 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.

##### **304.6.2 TRANSPORTING BY VESSEL**

- (a) When transporting prisoners by vessel, officers need to be especially attentive to ensure 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 ensure 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.

##### **304.6.3 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 officers armed onboard commercial aircraft.

For a state or local law enforcement officer (LEO) to fly armed and to escort a prisoner on board 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).

#### **304.7 REQUIRED DOCUMENTATION**

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints via the CAD system.

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### *Handcuffing and Restraints*

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If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report. Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

#### **304.8 TRAINING**

Subject to available resources, the Training Unit Commander should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Agency.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

## Control Devices

<b>Effective Date:</b>	09/15/22
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 305.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

### 305.2 POLICY

In order to control individual subjects who are violent or who demonstrate the intent to be violent, the Maryland Natural Resources Police authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Superintendent may also authorize other positions or individual agency members to use specific control devices.

### 305.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this agency only if the device has been issued by the Agency or approved by the Superintendent or the authorized designee.

Only those members who have successfully completed agency-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a person who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

### 305.4 RESPONSIBILITIES

#### 305.4.1 SUPPLY AND MAINTENANCE UNIT COMMANDER RESPONSIBILITIES

The Supply and Maintenance Unit Commander shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

#### 305.4.2 TACTICAL RESPONSE TEAM (TRT) SPECIALIZED CONTROL DEVICES

The Special Operations Division Commander or the authorized designee shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.



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#### **305.4.3 USER RESPONSIBILITIES**

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the appropriate Commander for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

#### **305.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to him/herself or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

#### **305.6 LAUNCHABLE CHEMICAL AGENT GUIDELINES**

The deployment of launchable or thrown chemical agents is limited to the Agency's TRT. Chemical agents may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the on-scene Commander/supervisor or Tactical Response Team Commander/Supervisor/Team Leader may authorize the delivery and use of these chemical agents, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire and emergency medical services personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation, if needed.

#### **305.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, OC spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of agency members or the public.

##### **305.7.1 OC SPRAY**

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

##### **305.7.2 PEPPER PROJECTILE SYSTEMS**

This capability is limited to the Agency's Tactical Response Team.

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Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

The Tactical Response Team Supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward an individual, whether or not the launcher was used. Unintentional discharges shall be promptly reported to the Tactical Response Team Supervisor and documented on the appropriate written report. Only non-incident use of a pepper projectile system, such as training or a product demonstration, is exempt from the reporting requirement.

#### **305.7.3 TREATMENT FOR OC EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

#### **305.8 POST-APPLICATION NOTICE**

Whenever chemical agents or OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean-up will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

#### **305.9 KINETIC ENERGY PROJECTILE GUIDELINES (37/40 MM LAUNCHER BEAN BAG ROUND AND STINGER ROUNDS)**

Generally, this capability is limited to the Agency's Tactical Response Team.

This agency is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

##### **305.9.1 DEPLOYMENT AND USE**

Only agency-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely.

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The safety of hostages, innocent persons and officers takes priority over the safety of individuals engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at officers, other agency members and/or other people.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

#### 305.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

#### 305.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

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When they are not deployed, shotguns will be unloaded, and properly and securely stored in police agency vehicles. When deploying a kinetic energy projectile shotgun, TRT members shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

#### **305.10 TRAINING FOR CONTROL DEVICES**

The Training Unit shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the member's training file.
- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

#### **305.11 REPORTING USE OF CONTROL DEVICES**

Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

## Officer-Involved Shootings and Deaths

<b>Effective Date:</b>	11/17/22
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 306.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation by the Office of Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP"), both of whom lead the primary criminal investigation of police-involved incidents that result in the death of a civilian or injuries likely to result in death.

In other incidents not covered by this policy, the Superintendent or designee may decide that the investigation will follow the process provided in this policy.

### 306.2 POLICY

The policy of the Maryland Natural Resources Police is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

### 306.3 DEFINITIONS

**Officer-Involved Death** - means the death or potential death of an individual resulting from an action or an omission of a law-enforcement officer while the law-enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

The following are examples of, but not limited to, the types of incidents that IID and MSP should be notified about: shootings that are fatal or result in the likelihood of death, use of force incidents that are fatal or result in the likelihood of death, deaths occurring while an individual is in police custody, and vehicle pursuits by law enforcement that result in death or the likelihood of death.

Qualifying incidents include any act or omission of a law-enforcement officer while the law-enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

**On-Scene Incident Commander** - the on-site individual responsible for the incident scene. The On-Scene Incident Commander has overall authority and responsibility for conducting incident operations and is responsible for the incident site. The first uninvolved officer on-scene, regardless of rank, will serve as the On-Scene Incident Commander until relieved by a higher ranking officer.

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### *Officer-Involved Shootings and Deaths*

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#### **306.4 TYPES OF INVESTIGATIONS**

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the involved officer's actions.
- (b) A criminal investigation of the suspect's actions.
- (c) An administrative investigation as to policy compliance by involved officers.
- (d) A civil investigation to determine potential liability.

#### **306.5 CONTROL OF INVESTIGATIONS**

The following outlines the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

The IID will determine whether an incident is police-involved and whether an injury is likely to result in death.

##### **306.5.1 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS**

The Office of the Attorney General's Independent Investigations Divisions ("IID") and the Maryland State Police ("MSP") will lead the investigation of all alleged or potential officer involved deaths of civilians as mandated by Maryland Annotated Code, State Government Article § 6-106.2.

##### **306.5.2 COLLATERAL CRIMINAL INVESTIGATION OF SUSPECT ACTIONS**

Because the IID solely investigates law-enforcement personnel, NRP may need to conduct criminal investigations and prosecutions of non-police criminal activity arising from the same general incident as IID investigations.

IID personnel will collaborate with the NRP in every case in which there is a collateral criminal investigation. All efforts will be made to find solutions that allow for the proper investigation and potential prosecution of both the IID case and the collateral criminal case without causing prejudice to either case. Where the two investigations share witnesses, the IID and NRP will coordinate, to the extent possible, prior to conducting interviews.

If the IID declines to investigate the non-police criminal activity, identification of the agency that will control the investigation may be reached in the same way as with any other crime.

##### **306.5.3 ADMINISTRATIVE AND CIVIL INVESTIGATION**

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

#### **306.6 NOTIFICATIONS**

The following notifications shall be made when an officer-involved death or potential death occurs.

##### **306.6.1 INVOLVED OFFICER**

An officer-involved in an Officer-Involved Death or potential death shall:

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- notify the DNR Communications Center of the incident, location, need for EMS, and any other appropriate or pertinent information
- ensure that the Duty Officer or an on-duty supervisor is notified.

#### 306.6.2 ON-SCENE INCIDENT COMMANDER

The on-scene incident commander should provide, to the best of their ability, the following preliminary information when contacted by MSP:

- date and time of the incident
- location of the incident, of any other crime scene, and of any other witnesses
- the type of incident that led officers to the scene
- the number of involved and witness officers
- whether anyone is deceased or injured
- whether the media is on-scene.

Will provide updates as necessary to the Duty Officer/On-Duty Supervisor and Area/Unit Commander.

#### 306.6.3 DUTY OFFICER / ON-DUTY SUPERVISOR

Immediately upon learning of an Officer-Involved Death or potential death, the Duty Officer/on duty supervisor shall:

- notify the MSP Headquarters Duty Officer at 410-653-4474
- provide contact information for the on-scene incident commander with responsibility for the initial crime scene response
- notify the Area/Unit Commander.

It is more important that the notification to MSP occurs quickly than to wait to obtain all pieces of information.

If NRP is uncertain whether an incident qualifies for notification, NRP should contact MSP at the above number. The on-scene commander will be contacted as quickly as possible by a member of the IID or MSP.

#### 306.6.4 COMMANDERS

The Area/Unit Commander of the involved officer shall:

- notify the next Commander up the chain.
- contact the Critical Incident Stress Management Team.
- Ensure a command text page gets sent out as soon as practical.

Each commander shall notify the next person up the chain of command until the Superintendent is notified.

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The Regional/Division Commander of the involved officer shall notify the PIO.

#### **306.7 INITIAL RESPONSE**

The following procedures are guidelines used in the initial response of an officer-involved shooting or death.

The NRP will maintain control over the crime scene until the arrival of MSP. The IID has distributed protocols for evidence collection and media contacts, which should be followed prior to MSP's arrival at the scene.

The NRP will maintain scene security, including traffic control, until the on-scene investigation is complete and the scene is released. The NRP will provide security for any individuals in custody until either treated and booked, relieved by the Division of Corrections as a bedside commitment or transferred to the Office of the Chief Medical Examiner.

While initial notification should always go to MSP at 410-653-4474, appropriate NRP personnel may reach out with additional questions to the on-call IID investigator at 410-576-7070.

##### **306.7.1 INVOLVED OFFICERS**

Officers involved in a shooting or death shall take the following actions, as soon as practicable:

- render aid within their level of training and request emergency medical services if a person is injured
- secure the scene to the best of their ability
- make the notifications in accordance with section 304.6 above.
- unless injured, remain at the scene until cleared to leave
- not discuss the case with anyone except their attorney, supervisory and investigative personnel.

##### **306.7.2 UNINVOLVED OFFICER RESPONSIBILITIES**

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved NRP Officer will be the on-scene incident commander and assume the following responsibilities until properly relieved. This officer should, as appropriate:

- Secure the scene, identify and eliminate hazards for all those involved.
- Take reasonable steps to render appropriate first-aid and obtain emergency medical attention for injured individuals.
- Request additional resources from the Agency or other agencies.
- Coordinate a perimeter or pursuit of suspects.
- Check for injured persons and evacuate as needed.
- Brief the MSP representative when contacted.
- Brief the supervisor upon arrival.



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#### 306.7.3 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved NRP supervisor should ensure completion of the duties as outlined above, plus:

- Attempt to obtain a brief overview of the situation from any uninvolved officers.
- In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

If necessary, the supervisor may administratively order any NRP officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

- Provide all available information to the Area/Unit Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.

Take command of and secure the incident scene with additional NRP members until properly relieved by a commander or an MSP investigator.

Each involved NRP officer should be given an administrative order not to discuss the incident with other involved officers or NRP members pending further direction from a supervisor.

#### 306.7.4 DUTY OFFICER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Duty Officer or on-duty supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by a higher ranking officer who arrives on the scene.

The Duty Officer shall:

- ensure appropriate notifications are made in accordance with section 304.6 above.
- respond to the scene or direct another supervisor to respond to the scene.

#### 306.7.5 SPECIAL OPERATIONS DIVISION

Ensure that criminal investigations personnel are responding to the scene.

Ensure that any personnel entering the scene are either debriefed or complete a supplemental report.

Provide assistance as requested by the IID and MSP.

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#### 306.7.6 AREA/UNIT COMMANDER

Ensure a member of the Command Staff proceeds immediately to the scene and:

- Assume command of the scene to the extent of the Agency's involvement.
- Confer with the Internal Affairs Unit.
- Arrange for the involved officer to receive a spare firearm, if appropriate. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other.
- Place all involved officers on Administrative Leave.
- Have the involved officer sign the NRP 837 Administrative Duties and Restrictions form.

#### **306.8 EVIDENCE COLLECTION, STORAGE, AND ANALYSIS PROTOCOLS**

The following protocols are intended to govern the gathering and preservation of evidence at those scenes. Because no protocol can cover all situations, please call the MSP Headquarters Duty Officer at (410) 653-4474 or the on-call IID investigator at (410) 576-7070 with any questions that arise prior to IID's arrival on scene.

##### 306.8.1 COLLECTION OF PHYSICAL EVIDENCE AT THE SCENE

Personnel from the MSP Forensic Sciences Division ("MSP-FSD") and Criminal Enforcement Division will oversee the collection of evidence at the scene of potential IID investigations and will make every effort to arrive at the scenes of IID investigations within one to two hours from notification.

##### Cases Where There is no Imminent Threat to Evidence

- (a) In all cases in which there is no imminent threat to losing, damaging, or contaminating evidence, the evidence should be collected by personnel from the MSP-FSD.
- (b) In these cases, personnel from the NRP will not collect evidence but will locate, identify and secure all crime scenes and evidence until MSP-FSD personnel arrives.

##### Cases Where There is an Imminent Threat to Evidence

- (a) An imminent threat to evidence is defined as a situation in which evidence will be lost, damaged, or contaminated if personnel on the scene do not take action. Examples include, but are not limited to, weather (rain, wind, flood, heat) and potential interference (civilian, medical personnel, animals) with evidence.
- (b) If there is an imminent threat to any evidence and crime scene personnel from an allied agency or the NRP are present, then the local crime scene personnel should document, photograph, and collect that evidence as per their own protocols prior to the arrival of MSP-FSD crime scene personnel. If the evidence must be processed in order to preserve it from threat, the NRP may do so. Evidence that is not subject to an imminent threat will be left for MSP-FSD crime scene personnel to process.

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- (c) If there is an imminent threat to any evidence and no crime scene personnel (MSP-FSD or local) are present, then the sworn personnel on-site should document, photograph, and collect that evidence rather than wait for crime scene personnel to arrive. If time allows, the sworn personnel from the NRP should contact IID personnel for guidance prior to the collection of evidence. Evidence that is not subject to an imminent threat will be left for MSP-FSD crime scene personnel to process.
- (d) If personnel from the NRP collects evidence, the name of the personnel collecting the evidence and the reason for collection should be documented and provided to the IID as soon as possible.
- (e) If personnel from the local LEA collects evidence, they should ask the IID whether to transfer the evidence to MSP-FSD or process it themselves.
- (f) The guiding principle for when there is a threat to evidence is that it is always better to collect the evidence in some manner rather than losing the evidence or having it damaged or contaminated.

#### 306.8.2 COLLECTION OF OTHER EVIDENCE AT SCENE

##### Video Evidence

- (a) The NRP should identify all personnel who are equipped with a Body-Worn Camera (BWC) and/or Mobile Video System (MVS) that potentially captured any aspect of the encounter, including footage from before and after the incident. Any BWC and/or MVS footage should be secured and turned over to IID personnel.
- (b) The NRP should begin to identify all video surveillance evidence prior to the arrival of IID personnel.

##### Involved and Witness Officers

- (a) The NRP should identify and separate all involved and witness officers. If possible, the NRP should contact IID personnel prior to any removal of an involved or witness officer.
- (b) If there is an imminent need to remove the involved or witness officer from the scene, the NRP should, if possible, photograph the officer while on scene and contact IID personnel prior to transport for further guidance. If an officer must be transported from the scene before being photographed or his or her firearm being recovered, he or she should, if possible, be transported in a car with an operating camera and/or in the company of an officer wearing an operating BWC.
- (c) Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

##### Civilian Witnesses

- (a) The NRP should identify, separate, and maintain all possible civilian witnesses and ask them to remain present until IID personnel arrives to conduct interviews.
- (b) In cases where a civilian witness needs to be transported from a scene, the NRP should, if possible, contact IID personnel prior to transport for further guidance.

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- (c) If a witness is unwilling to wait on scene for the arrival of IID personnel, the NRP should attempt to conduct an interview of that individual, to collect any video or other evidence they might have, and to obtain the contact information for the witness to include his/her name, date of birth, address, phone number, and vehicle registration information.
- (d) If possible, any on-scene interaction with the civilian witnesses should be recorded and documented. These recordings and documentation should be maintained and will be collected by the arriving IID personnel.

#### 306.8.3 COLLECTION OF EVIDENCE FOR COLLATERAL INVESTIGATIONS

If IID personnel determine that evidence is necessary for an IID investigation, the evidence will, barring, an imminent threat to the evidence, be collected by the MSP-FSD and submitted to the MSP-FSD. This will occur even if the NRP believes the evidence is necessary for a collateral criminal investigation.

If IID members determine that evidence is not required for an IID investigation, the NRP may collect, store and analyze the evidence according to their normal practices or procedures. The NRP may also request that the MSP-FSD personnel collect that evidence at the scene and provide it to the NRP for its own future analysis.

#### 306.8.4 DEATH NOTIFICATION

If there has been a police-involved incident that results in the death of a civilian or injuries likely to result in death, IID personnel will make the next-of-kin notification to the family of the involved decedent. At the discretion of the IID, a representative from the NRP may accompany IID personnel to the next-of-kin notification.

If extenuating circumstances prevent the IID from making a timely notification, the NRP can make the next-of-kin notification after consulting with the IID. During that notification, the NRP will provide the family with contact information for the IID and will also provide the IID with the contact information of the involved family.

Following the next-of-kin notification, and throughout the course of the investigation, the IID will be the primary point of contact with the decedent's family.

#### 306.8.5 SUBMISSION OF EVIDENCE

All evidence collected as part of an IID investigation should be submitted to the MSP-FSD regardless of who collects the evidence.

If there is a dispute as to whether evidence is part of an IID investigation, IID personnel will make the final determination regarding the evidence.

If potential IID evidence is submitted to a crime lab other than the MSP-FSD, the IID will request or subpoena the evidence so that it can be transferred to the MSP FSD.

#### Requests for Transfers of IID Evidence

- If a local LEA determines that it needs possession of evidence submitted to the MSP-FSD for its own investigation or prosecution, it may request the transfer of evidence.

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- IID personnel will address evidence transfer requests on a case-by-case basis. Every effort will be made to accommodate transfer requests if they do not prejudice an IID investigation or potential prosecution.

#### **306.8.6 ANALYSIS OF EVIDENCE**

IID personnel may request the analysis and testing of evidence collected for IID Investigations that they deem appropriate.

Because of the increased burden these cases will place on the MSP-FSD, the FSD Director may request that other accredited and licensed crime labs in the State perform the analysis. Insofar as practical, the MSP-FSD will not send any evidence related to the IID investigation to the crime lab in the same jurisdiction as the officer under investigation. The MSP-FSD will notify the IID if this transfer occurs.

NRP requests for analysis of IID Evidence.

- If NRP determines that it would like evidence that has been submitted to the MSP-FSD to be analyzed, it may request that the MSP-FSD conduct the analysis.
- IID personnel will determine if the analysis should be done on a case-by-case basis depending on the request and the resources available at the time of the request.
- If NRP's request for analysis is denied, IID personnel will make every effort to transfer the evidence to another accredited and licensed crime lab as soon as practicable without prejudicing the IID investigation or potential prosecution.

#### **306.9 REPORTS BY INVOLVED NRP OFFICERS**

In the event that suspects remain outstanding or subject to prosecution for related offenses, this agency shall retain the authority to require involved NRP officers to provide sufficient information for related incident reports to facilitate the apprehension and prosecution of those individuals.

While the involved NRP officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive involved NRP officers of the right to consult with legal counsel prior to completing any such incident report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures.

#### **306.10 ADDITIONAL RESPONSIBILITIES**

The following procedures provide guidance on actions required after the initial response to an officer-involved shooting or death.

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#### 306.10.1 INVOLVED OFFICERS

Complete a first report of injury. 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" or "Police-Involved Death" as appropriate.

#### 306.10.2 INVOLVED OFFICER AREA/UNIT COMMANDER

If the involved officer is unable to complete an NRP 447 First Report of Injury form, the Area/Unit Commander will ensure that a supervisor assists with the completion of the report as outlined in 304.8.1. The Area/Unit Commander shall also ensure the completion of entries in Blue Team for Use of Force/Show of Force/Firearm Discharge, as appropriate, for each involved officer as outlined in Policy 301.

#### 306.10.3 INVOLVED OFFICER'S REGIONAL/DIVISION COMMANDER

- Schedule physiological services for the involved officer within 24 hours or the next business day through the NRP Personnel Section who will make arrangements through DNR Human Resources.
- Review and approve all reports in RMS and Blue Team. Forward Blue Team entries to IAU as outlined in Policy 301.
- Shall serve or appoint another to serve as the direct liaison between the officer and the Agency concerning all matters related to appointments (e.g., interviews, depositions, physiological services) and assignments while the officer is in an administrative leave/duty status.
- Ensure coordination with the involved officer and the NRP Training Unit 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.

#### 306.10.4 SPECIAL OPERATIONS DIVISION

- Complete an applicable RMS investigative report and route through the chain of command for review.
- Communicate with the IID 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) will be immediately forwarded to the Office of the Superintendent, and the original will be placed into the IA case file if one exists. If none exists, it shall be placed in a case file created by SOD related to the matter.
- If the State's Attorney's Office or IID does not provide a declination notice based on their opinion or the need for further investigation, this information will be immediately conveyed to the Office of the Superintendent in writing.

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#### 306.10.5 INTERNAL AFFAIRS UNIT

- Police-involved incidents that result in the death of a civilian or injuries likely to result in death 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, although one may be initiated depending on the circumstances of the incident.
- The Internal Affairs Unit Commander will have responsibility for the completeness of the firearms-related administrative review.
- The Internal Affairs Unit will maintain the records of incidents involving the discharge of firearms by sworn personnel.
- All copies of reports shall be forwarded to IAU upon adjudication of criminal proceedings.

#### 306.10.6 TRAINING UNIT

The NRP Training Unit 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.

#### **306.11 ADMINISTRATIVE REVIEW/INVESTIGATION**

Police-involved incidents that result in the death of a civilian or injuries likely to result in death 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 although one may be initiated depending on the circumstances of the incident.

When an administrative review/investigation is conducted, interviews and interrogations of members shall be subject to agency policies and applicable laws (Md. Code PS § 3-101 et seq.).

- (a) Any officer involved in a shooting or death shall be requested or administratively compelled to provide a blood sample for alcohol/drug screening. This must be coordinated with the IID. Absent consent from the officer, such compelled samples and the results of any such testing shall not be admissible or discoverable in a criminal proceeding against the police officer (Md. Code PS § 3-107d3i).
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct

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an administrative interview to determine all relevant information. The administrative interview shall be conducted separately from any criminal interview.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Md. Code PS 3-109).
3. Administrative interviews should be recorded.
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Agency to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **306.12 CIVIL LIABILITY RESPONSE**

A member of this agency may be assigned to work exclusively under the direction of the legal counsel for the Agency to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

#### **306.13 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video or other video or audio recordings prior to providing a recorded statement or completing reports.\_

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or IID, as appropriate.



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#### **306.14 ADMINISTRATIVE LEAVE**

Each involved NRP officer shall be given reasonable paid administrative leave (as allowed by Md. Code PS § 3-112) following an officer-involved shooting or death. It shall be the responsibility of the supervisor to make schedule adjustments to accommodate such leave.

Officers involved in shootings will immediately be placed on administrative leave with pay and will remain at home pending the psychological/physical appointment and release by the State Medical Director (COMAR 17.04.11.17). Once released by the State Medical Director, officers will continue on administrative duty at an Area Office or other designated location pending the final review of the incident and declination letter from the States Attorney. The following conditions apply to officers involved in police shootings who have been released by the State Medical Director upon first visit:

- (a) Is relieved of all non-life-threatening law enforcement responsibility. Will not wear the police uniform, but may be armed.
- (b) Will be assigned an unmarked state vehicle.
- (c) Will only be released to full duty after release by State Medical Director, and the internal review is complete.
- (d) Before returning to full duty, officers will comply with the mandates set forth by Agency policy and will sign the Order to Return to Full Duty (NRP-838).
- (e) If the State Doctor recommends officers have no law enforcement powers and requires follow-up appointments, officers will be placed on no-duty status and will not carry a weapon or be assigned a state vehicle.
- (f) Administrative duty status can be re-evaluated at any time by the Agency.

The following is required for an officer to return to full duty:

- (a) Criminal investigation is completed.
- (b) Review of Internal Affairs Unit completed.
- (c) Letter of Declination from State's Attorney / Grand Jury.
- (d) Release from State Psychologist / Psychiatrist.
- (e) Officer attends judgmental shoot with personnel from the Training Unit.

#### **306.15 PSYCHOLOGICAL SERVICES**

Psychological services for the involved officer will be provided within 24 hours or the next business day through the NRP Personnel Section who will make arrangements through DNR HR. Psychological services may also be provided to any other affected NRP members, upon request.

- Interviews with a mental health professional will be considered privileged
- An interview or session with a mental health professional may take place prior to the member providing a formal interview or report. However, the involved member shall not be permitted to consult or meet collectively or in a group with a mental health professional prior to providing a formal interview or report.

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- A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- Although the Agency will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.
- After being scheduled and meeting with a state psychologist and being released back to duty, the officer can then be placed on Administrative Duty in accordance with Agency policy.

#### **306.16 DEBRIEFING**

Following an officer-involved shooting or death, the Maryland Natural Resources Police should conduct both a critical incident/stress debriefing and a tactical debriefing.\_

##### **306.16.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. The Superintendent's designee is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event. This will allow the officer to express his/her feelings and to deal with the moral, ethical, and/or psychological effects of the incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or valid court order.

Attendance at the debriefing shall only include those members of the Agency directly involved in the incident, which can include support personnel (e.g., police communications operators, other civilian personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Agency, including supervisory and Internal Affairs Unit personnel.

##### **306.16.2 TACTICAL DEBRIEFING**

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Superintendent's designee should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

#### **306.17 MEDIA RELATIONS**

Communication with the public and media in the wake of a fatal or potentially fatal incident must balance the public's desire for quick answers, the need for accuracy, and the need to convey the independence of the investigation. We understand that the public wants information soon after an event occurs and that local NRP will often be called on to provide some information before the IID and MSP have fully taken control of the investigation. We also understand that the legislature has assigned responsibility for these cases to the IID and MSP, and it is important to convey to the public that these investigations are in fact being handled independently.

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No involved NRP officer shall make any comment to the media unless he/she is authorized by the Superintendent.

Agency members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

#### 306.17.1 INITIAL MEDIA RESPONSE

The NRP may choose, at its discretion, to defer all public responses to the IID. A member of the IID with responsibility for media response will respond to the scene as soon as is practical.

Whether or not the NRP plans to make a public statement, a PIO or an individual with similar responsibilities who can assist the IID in gathering information will be made available to the IID. That person should begin gathering preliminary information before the IID arrives.

The NRP may also choose to make a public statement or release certain limited information in the immediate aftermath of an incident. To the extent possible, the NRP will consult with IID prior to the release of this information. The NRP may generally include the following information in its public statement:

- The date, time, and location of the incident.
- The type of call for service that led officers to the scene.
- Information concerning injuries sustained by any surviving civilians and/or an officer, and whether any individuals were transported to the hospital.
- How many officers discharged their firearms.
- Whether a weapon was recovered or located on-scene.
- Basic information regarding the age, race, duty assignment, tenure, and current administrative status of the officer(s).
- Each police department will include in their remarks a statement confirming that the investigation into the officers' conduct will be conducted by the Maryland Attorney General's Office Independent Investigative Division, with assistance provided by his/her department as requested.
- Notification of the release of this information should be provided to the IID investigative supervisor or media contact preferably prior to, or at least simultaneously with the public release.

#### 306.17.2 SUBSEQUENT MEDIA RESPONSE

Upon completion of the initial public/media notifications, the NRP may continue to provide periodic updates involving an ongoing community threat, such as a continuing search for a suspect, or any road or business closures. If the NRP wishes to release a written statement detailing the facts already released in the initial media response (see 304.15.1, above), it should consult with the IID before doing so.

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Otherwise, further comment or the release of additional information or materials that could be considered evidentiary or could impact the integrity or outcome of the investigation should come from the IID, not from the NRP. This includes:

- body camera footage;
- in-car camera footage;
- surveillance footage;
- commercial or residential security camera footage;
- crime-scene or other photographs, other than photos related to a continuing search for a suspect;
- photographs or video footage taken by witnesses;
- detailed statements provided by officers/deputies involved;
- detailed statements provided by witnesses or suspects;
- test results of any kind;
- investigative reports;
- autopsy information, including cause/manner of death;
- legal conclusions about an officer's conduct;
- any information that could be considered investigative or evidentiary.

If the NRP believes that the release of such information is necessary, it will consult with and obtain the approval of the IID, to avoid impacting the outcome of the investigation.

The IID will generally release the name of the involved officers within 48 hours of the incident, though that period may be extended if there is a specific reason to believe that an officer's safety is at risk. If the NRP wishes to release the name of the officer itself prior to the IID doing so, it may, after consultation with the IID.

The IID will generally release body camera footage within 14 days of the incident. There may be situations where more than 14 days is necessary, including if investigators need more time to complete witness interviews if there are technical delays caused by the need to redact the identities of civilian witnesses or to allow family members to view the video before it is released to the public.

#### 306.17.3 COMPLETION OF THE INVESTIGATION

Upon completion of the investigation and review by the Maryland Office of the Attorney General, the IID will release a statement confirming that it has completed the investigation and forwarded its report to the relevant State's Attorney's Office. The IID will notify the NRP when its investigation is complete. By statute, the report remains confidential until any prosecution is complete, and therefore the IID will not comment on the content of its report.

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The IID will release the report, with appropriate redactions for confidentiality, within 30 days of a final judgment of all defendants in a prosecuted case, or within 30 days of a determination by the SAO or other relevant prosecutorial entity that they are declining to prosecute.

## Firearms

<b>Effective Date:</b>	05/11/23
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 307.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

### 307.2 POLICY

The Maryland Natural Resources Police will equip its members with firearms to address the risks posed to the public and agency members by violent and sometimes well-armed persons. The Agency will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

When on-duty, officers will carry the issued handgun.

When on-duty and not in uniform, the issued handgun shall be carried in a plain view manner provided that the officer's badge is prominently worn (i.e. next to the handgun or on a chain around the neck), except when inappropriate (for example, in situations where immediate recognition as a police officer could have adverse consequences or compromise an investigation); in this case the issued handgun and badge will be concealed, but readily accessible, on the member's person.

In the case of the Task Force Section, the handgun and badge will be carried per local standard operating procedures.

### 307.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Agency and have been thoroughly inspected by the Lead Firearms Instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized agency range (COMAR 12.04.02.03).

All other weapons not provided by the Agency, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by agency policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's

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Bureau Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

Refer to the Firearms Regional Reference Guide for further information relating to firearms. The Training Division Commander will ensure the Reference Guide is updated at least annually. The Reference Guide is located on the Training Division page on the internal website.

Shotguns and/or rifles may be issued to non-commissioned officers as requested.

#### 307.3.1 SHOTGUNS

The authorized agency-issued shotgun is the Remington 870 P 12 gauge. Any questions about an authorized personally-owned shotgun should be directed to a Firearms Instructor.

When not deployed, shotguns carried in vehicles not equipped with locking carriers will be secured with an approved locking mechanism in trunks or storage compartments. If possible, shotguns should be concealed from public view when vehicles are unoccupied.

Shotguns will be carried in "Car Carry Condition" while on patrol, which is defined as:

- (a) Chamber empty
- (b) Action closed
- (c) Hammer down
- (d) Safety on
- (e) Magazine fully loaded with slugs.

#### 307.3.2 PATROL RIFLES

The authorized agency patrol rifle platform is AR-15.223. Any questions about an authorized personally-owned rifle should be directed to a Firearms Instructor.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

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Rifles carried in vehicles not equipped with locking carriers will be secured with an approved locking mechanism in trunks and storage compartments. If possible, rifles should be concealed from public view when vehicles are unoccupied.

Rifles will be carried in "Car Carry Condition" while on patrol, which is defined as:

- (a) Chamber empty
- (b) Action Closed
- (c) Hammer down
- (d) Magazine fully loaded but not inserted into the rifle.

#### 307.3.3 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Superintendent or the authorized designee. Officers shall make application for approval to carry a personally owned firearm. Officers shall do so on NRP-740 form (Application to Carry Personally Owned Firearms).

Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the agency list of approved firearms.
- (b) The firearm shall be inspected by a Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the agency qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, serial number and caliber of the firearm to a Firearms Instructor, who will forward the information to the In-Service Sergeant.

#### 307.3.4 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry agency or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the agency list of approved firearms.
- (b) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Agency.
- (c) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (d) The handgun shall be inspected by a Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.



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- (e) Ammunition shall be Agency approved. Ammunition will be factory ammunition and not reloaded in any manner. Refer to the Firearms Regional Reference guide for further information.
- (f) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the agency qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly (COMAR 12.04.02.03).
- (g) Members shall provide written notice of the make, model, serial number and caliber of a secondary handgun to a Firearms Instructor, who will maintain a list of the information.

#### 307.3.5 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Superintendent but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as police officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to a Firearms Instructor for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by a Firearms Instructor.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to a Firearms Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner and that the holster is appropriate and in good condition.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, serial number and caliber of the firearm to a Firearms Instructor, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry agency-authorized ammunition.
- (i) When armed, officers shall carry their badges and Maryland Natural Resources Police identification cards under circumstances requiring possession of such identification.

#### 307.3.6 AMMUNITION

Members shall carry only agency-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all agency-issued firearms during the member's firearms

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qualification. Replacements for unserviceable or depleted ammunition issued by the Agency shall be dispensed by a Firearms Instructor when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from agency-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

Approved ammunition may be found in the Firearms Regional Reference Guide.

Ammunition shall be properly secured and provided the same degree of security as a firearm.

#### **307.3.7 FIREARMS CONVERSION**

An officer shall successfully complete firearms conversion requirements before being authorized to use or carry a different type of firearm than the officer is currently authorized to use or carry (COMAR 12.04.02.09).

#### **307.4 EQUIPMENT**

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

##### **307.4.1 REPAIRS OR MODIFICATIONS**

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor who will then notify the Agency armorer.

Firearms that are the property of the Agency or personally owned firearms that are approved for agency use may be repaired or modified only by a person who is agency-approved and certified as an armorer in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Agency armorer.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Agency armorer.

Tactical slings, shell carriers, and recoil pads are approved to add to long guns.

##### **307.4.2 HOLSTERS**

Only agency-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

##### **307.4.3 TACTICAL LIGHTS**

Tactical lights are optional and may be purchased at the officer's expense and only be installed on a firearm carried on- or off-duty after they have been examined and approved by a Firearms Instructor. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. One accommodating holster will be provided by the Agency.

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Officers carrying an approved weapons-mounted light are also required to carry a secondary flashlight at their expense.

Streamlight TLR 1, TLR 1 HL, or TLR 7 are the only agency approved tactical lights.

#### **307.4.4 OPTICS OR LASER SIGHTS**

Optics (not including laser sights) may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Lead Firearms Instructor. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Only laser sights issued by the agency will be installed on a firearm carried on- or off-duty.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

#### **307.5 SAFE HANDLING, INSPECTION AND STORAGE**

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Only authorized members, (e.g., officers, hunter safety instructors) may use, clean, or otherwise handle firearms owned or controlled by the Agency.
- (c) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by a firearms instructor. Members shall not dry fire or practice quick draws except as instructed by a Firearms Instructor or other firearms training staff.
- (d) All firearms must be loaded and unloaded in a safe manner and location, and made safe before storage. NRP employees working in a facility equipped with a weapons loading / clearing station shall use the station for these purposes when applicable.
- (e) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded outside of the vehicle.
- (f) Members shall not place or store any firearm or other weapon on agency premises except where the place of storage is locked or as required by any detention facility.
- (g) Any firearm authorized by the Agency to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to a Firearms Instructor approved by the Agency for inspection and repair. Any firearm deemed in need of repair or service will be immediately removed from service and given to the Agency Armorer. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

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#### 307.5.1 SUBMERSED FIREARMS

- (a) When an officer's firearm becomes submersed in water, they will flush the firearm and the magazine with fresh water and thoroughly clean it. The rounds of ammunition will be towel dried. The officer will then notify his/her supervisor and an Agency Armorer for further instructions.
- (b) When a firearm has been substantially covered with water, such as by a breaking wave or a drenching rainstorm, but not totally submersed, the officer must still notify his/her immediate supervisor. After notifying his/her immediate supervisor, the officer should contact an Agency Armorer for further instructions.
- (c) If the firearm is totally submersed or if an Agency Armorer wishes to examine it, the supervisor or Agency Armorer may provide the officer with a spare firearm.
- (d) The Agency Armorer will repair the firearm and return it in accordance with established Agency procedure.

#### 307.5.2 INSPECTION

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

#### 307.5.3 STORAGE AT HOME

Firearms are not to be left in the vehicle when the officer is Off-Duty. Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit agency-issued firearms to be handled by anyone not authorized by the Agency to do so. Members should be aware that negligent storage of a firearm could result in criminal charges and civil liability.

#### 307.5.4 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

#### 307.5.5 THEFT OR LOSS

An officer shall immediately report the theft or loss of a firearm to their supervisor or the duty officer, and DNR Communications Center to obtain an incident number and for entry into NCIC. The supervisor shall follow the steps outlined in procedure.

#### 307.5.6 STORAGE IN VEHICLES AND VESSELS

Handguns left in vehicles will be locked either in the glove compartment or the trunk.

Alternate locking devices will be utilized to secure firearms in vehicles without trunks or glove compartments incapable of being locked.

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Handcuffs may be utilized to lock firearms to structural components of the vehicle's interior, and the firearm will be covered to conceal it from view.

Firearms left in vessels will be locked in a compartment concealed from view. Under no circumstances will firearms be stored on vessels when the crew is off-duty or the vessel is unoccupied for an extended period.

#### **307.5.7 TRIGGER LOCKS REQUIRED**

The Criminal Law Article, §4-104, requires that a loaded firearm not be accessible to an individual under the age of 16 years. To ensure conformance with that law and promote firearms safety, all Agency issued firearms, when not in use, will be secured by means of an Agency issued trigger lock or other device. Additionally, officers should ensure that all personally owned firearms are secured in conformance with §4-104.

#### **307.6 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete training bi-annually with their duty firearms. In addition to bi-annual training, all members will successfully complete a judgmental shoot at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least bi-annually. Training and qualifications must be on the required range course meeting minimum standards and requirements (COMAR 12.04.02.08; COMAR 12.04.02.05).

Officers may not use or carry a firearm that has been surrendered or for which authority to carry or use has been withdrawn, except during supervised training to meet the annual firearms training and qualification requirements (COMAR 12.04.02.08(E)(3)).

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

##### **307.6.1 NON-CERTIFICATION OR NON-QUALIFICATION**

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
  - 1. Each range day for remedial training shall be documented and entered via the RMS Firearms Remedial Qualification Form within seventy-two (72) hours after training.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

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(c) No range credit will be given for the following:

1. Unauthorized range make-up.
2. Failure to meet minimum standards or qualify after remedial training.

Members who repeatedly fail to meet minimum COMAR standards will be placed in a non-officer status and assigned administrative duties.

#### **307.6.2 ANNUAL FIREARMS NON-CERTIFICATION**

If an officer fails to successfully complete the annual firearms classroom instruction, training and qualification requirements for an authorized firearm within a calendar year, the Superintendent (COMAR 12.04.02.08(E)(1)):

- (a) Shall remove the firearm, or the authorization to use or carry the firearm if personally owned, from the officer by January 1 of the next calendar year.
- (b) May not return or authorize the officer to use or carry the firearm until the officer successfully completes the appropriate firearms classroom instruction, training and qualification.

#### **307.6.3 ANNUAL FIREARMS NON-QUALIFICATION**

An officer who fails an annual firearms qualification shall successfully complete the annual qualification within 30 consecutive calendar days of the initial attempt (COMAR 12.04.02.08(E)(2)).

If an officer does not successfully meet the qualification requirements, the Superintendent shall immediately:

- Report the officer's failure to qualify to the Maryland Police Training and Standards Commission (MPTSC).
- Require the officer to surrender all agency firearms.
- Withdraw the officer's authority to use or carry personally owned firearms.

#### **307.7 FIREARM DISCHARGE**

Except during training, recreational use, black bear aversion tactics, to give alarm or call for assistance, or the dispatching of a sick or injured animal, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

Whether on- or off-duty at the time of the incident, the member shall complete a report and may be required to provide a statement to investigators.

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#### **307.7.1 DESTRUCTION OF ANIMALS**

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, agency members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, oleoresin capicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

#### **307.7.2 INJURED ANIMALS**

When a domestic animal is injured in a traffic accident, the member shall notify the appropriate local organization to give such injured animal medical care (Md. Code TR § 20-106).

A member may euthanize wildlife that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. The method utilized to euthanize shall be in accordance with Agency training.

#### **307.7.3 WARNING AND OTHER SHOTS**

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots shall not be used.

#### **307.8 FIREARMS INSTRUCTOR DUTIES**

Each range utilized by the NRP will be under the exclusive control of the designated Firearms Instructor. All members attending will follow the directions of the designated Firearms Instructor. The designated Firearms Instructor will maintain a roster of all members attending the range and will submit the Firearms RMS form within 72 hours after each range date. Failure of any member to sign in and out with the designated Firearms Instructor may result in non-participation or non-qualification.

Firearms Instructors have the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this agency to verify proper operation. Firearms Instructors and/or Agency armorers have the authority to deem any agency-issued or personally owned firearms unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by a Firearms Instructor and/or Agency armorer.

All firearms will be inspected by a Firearms Instructor according to the established schedule or as directed.

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Firearms Instructors have the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

Firearms Instructors shall complete and submit to the Training Division documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Agency, a list of each member who completes the training. Firearms Instructors should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed.

The Training Division shall report firearm qualification scores for each firearm the officer is authorized to use or carry to the Superintendent by January 15 of the calendar year immediately following firearms qualification. The Superintendent shall submit the report to the MPTSC by January 31 (COMAR 12.04.02.08(D))

#### **307.9 RETIRING OFFICER HANDGUN BUY-BACK PROGRAM**

- (a) When an officer retires or otherwise leaves employment from the Agency, all of their issued firearms shall be turned into the Supply and Maintenance Unit Commander.
- (b) All NRP firearms are the property of NRP. The NRP reserves the right to refuse sale of its property.
- (c) Only duty handguns that were assigned to the retiring officer at the time of their separation are eligible for buy-back. Previously issued handguns will not be considered for buy-back. Shotguns, rifles, and specialty weapons are not eligible for buy-back.
- (d) All Agency handgun buy-backs upon retirement will be completed in accordance with the current established laws and procedures. At a minimum of 30 days prior to separation, the retiring officer must submit their approved NRP-490H to the Supply and Maintenance Unit Commander to initiate the gun buy-back process. See Procedure 702, "Retiring Officer Handgun Buy-Back Program" for further.
- (e) **If the retiring officer submits their NRP-490H to the Supply and Maintenance Unit Commander less than 30 days prior to separation, the request may be denied outright at the sole discretion of the Support Services Bureau Chief.**
- (f) Members not vested at the time of resignation, or who resign while on or following a leave of absence, are not eligible to buy-back their agency-owned firearm(s).
- (g) Members involuntarily separated from employment are not eligible to buy-back their agency-owned firearm(s).

#### **307.10 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):



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- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Agency based on the law and published TSA rules.
- (b) Officers must carry their Maryland Natural Resources Police identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Superintendent or the official seal of the Agency and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Maryland Natural Resources Police must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Maryland Natural Resources Police an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Superintendent authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the agency-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **307.11 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time officers of this agency are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry their Maryland Natural Resources Police identification card whenever carrying such firearm.
- (b) The officer may not be the subject of any current disciplinary action.

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- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other agency policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

## Vehicle Pursuits

<b>Effective Date:</b>	11/29/22
<b>Revised Date:</b>	REVIEWED--07/27/23
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--08/01/24	

### 308.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

#### 308.1.1 DEFINITIONS

Definitions related to this policy include:

**Blocking or vehicle intercept** - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.

**Blocking** -use of police vehicles, signs or flares to prevent the public from driving into the path of a pursuit.

**Blue Team** – A web-based application enabling users to document and monitor incidents including, but not limited to: citizen/external complaints, internal complaints, firearm discharges, use of force incidents, vehicle pursuits and departmental collisions.

**Fresh Pursuit** -Pursuit that is continuous and without unreasonable delay, although not necessarily instant pursuit.

**Ghost marked vehicles** – Solely for the purposes of vehicle pursuits, ghost marked vehicles are to be considered unmarked and shall adhere to the unmarked vehicle guidelines of this policy.

**Marked vehicles** - A vehicle 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.

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

**Pursuit-rated Vehicle** - an emergency vehicle designed by its manufacturer as being specifically equipped with enhanced features to support vehicle performance during high-speed pursuits.

**Ramming** - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

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**Roadblocks** - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or another immovable object in the path of the suspect's vehicle. Any method, restriction, or obstruction of a roadway utilized for the purpose of preventing the passage of motor vehicles on a highway in order to affect the apprehension of a suspected violator in a motor vehicle.

**Rolling Roadblock** - surrounding (boxing-in) a suspect's vehicle with emergency vehicles and/or a fixed object (e.g. guardrail or barrier) while slowing to a controlled stop, forcing the suspect's vehicle to a stop.

**Terminate** - To discontinue a pursuit or stop chasing fleeing vehicles.

**Trail** - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

**Unmarked vehicles** - All vehicles not displaying the Agency's name, emblems, or license plates, but equipped with emergency equipment.

**Vehicle pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

- This definition considers two types of pursuits:
  - **Normal pursuit** – A pursuit of a violator after a violation has been observed, the operator is signaled to stop and complies.
  - **Extended/high-speed pursuit** – A pursuit of a violator after a violation has been observed, the operator attempts to avoid arrest by fleeing in their vehicle or ignores or fails to comply with the officer's signal to stop.

### **308.2 POLICY**

It is the policy of this agency to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

### **308.3 OFFICER RESPONSIBILITIES**

Vehicle/vessel pursuits shall only be conducted using authorized police agency emergency vehicles that are equipped with, and operating emergency lighting and sirens, as required by law (Md. Code TR § 21-106).

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property:

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.

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- (c) Disregard regulations governing direction of movement or turning in specified directions.

Violations of the law may form the basis for civil and criminal sanctions.

#### 308.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle (Md. Code TR § 21-904).

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and police communications operators/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police agency vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as the Aviation Section, K-9, and the Tactical Response Team.
- (l) The pursuing vehicle is carrying passengers other than on-duty police officers, Agency cadets, police communications operators, or other persons specifically authorized by the Agency. Pursuits should not be undertaken with an arrestee in the pursuit vehicle

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unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

- (m) The pursuing vehicle is towing another vehicle, vessel or trailer. In this circumstance officers shall not engage in a pursuit,

Due to the capabilities of motorcycles, which exceed those of pursuit-rated vehicles, pursuits involving suspects on motorcycles are generally prohibited. However, under exigent circumstances involving violent felonies against persons, an officer may pursue a motorcycle.

#### 308.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) When the identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.
- (i) The roadway and environmental conditions are not conducive to continued safe pursuit.

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- (j) When adhering to the procedures set forth in this policy, officers and supervisors deciding not to engage in a vehicle pursuit or terminating a pursuit already in progress will not be subject to disciplinary action.
- (k) Anytime a pursuit is terminated, the officer who terminates the pursuit will do the following before the pursuit will be considered to have been terminated:
  - 1. Announce on the police radio the pursuit has been terminated and the final termination location.
  - 2. Deactivate the police vehicle's emergency equipment (lights and siren).
  - 3. Reduce the vehicle's speed to the posted speed limit and comply with all traffic laws.

Once a pursuit has been terminated, should an officer relocate the vehicle at a later time, it is considered a new pursuit and authorization must be given by a supervisor prior to reengaging in a pursuit.

#### **308.4 PURSUIT VEHICLES**

When involved in a pursuit, unmarked police agency emergency vehicles should be replaced by marked emergency vehicles whenever practicable (Md. Code TR § 11-118).

The number of vehicles involved will vary with the circumstances. There should be no more than three police vehicles directly involved in a pursuit. Additional units should assist as support units as directed by the supervisor.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

Due to the performance characteristics of 4x4 pick-up trucks and SUV patrol vehicles, these vehicles shall not be routinely utilized in high-speed pursuit situations, unless they are pursuit package rated vehicles.

##### **308.4.1 SPECIALTY VEHICLES**

Officers operating a specialty vehicle (e.g., snowmobile, ATV, UTV) in a pursuit, shall operate the vehicle in accordance with the officer's level of training provided by the Agency and this policy. Officers shall also be readily identifiable as a police officer.

##### **308.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police agency vehicles, or any air support.

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#### 308.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others. The primary pursuit vehicle shall utilize all emergency equipment.

The primary pursuing officer should notify the police communications operators, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Unless relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

#### 308.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the police communications operators of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.



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#### **308.5 PURSUIT DRIVING**

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  - 1. Request assistance from the Aviation Section or other available air support..
  - 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
  - 3. Request other officers to observe exits available to the suspect.
- (d) Notify the appropriate law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

##### **308.5.1 PURSUIT TRAILING**

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

##### **308.5.2 AIR SUPPORT ASSISTANCE**

When available, air support assistance from the Aviation Section, or aviation support from an allied agency, should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

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Officers will discontinue direct involvement in the pursuit when the fleeing vehicle is under air surveillance or other monitoring technology has been deployed. Officers should remain at an appropriate distance with emergency equipment activated until otherwise directed.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

#### **308.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT**

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless requested by the primary unit or directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police agency vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a nonemergency manner, observing the rules of the road.

The involved officers should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

#### **308.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

Available supervisory control will be exercised over all vehicle pursuits involving officers from this agency.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

- (a) Immediately notifying involved officers and the police communications operators of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established agency guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from the Aviation Section, K-9 and the Tactical Response Team or additional resources are requested, if available and appropriate.

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- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Duty Officer is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (j) Controlling and managing Maryland Natural Resources Police officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

#### **308.7 COMMUNICATIONS**

If the pursuit is confined within the State limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or police communications operators. If the pursuit leaves the State or such is imminent, involved officers should request a tactical or emergency channel most accessible by participating agencies.

##### **308.7.1 RESPONSIBILITIES**

Upon notification or becoming aware that a pursuit has been initiated, the police communications operators is responsible for:

- (a) Clearing the radio channel of nonemergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that the appropriate supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Conducting vehicle and driver checks, if the information is known.
- (g) Assigning an incident number and logging all pursuit activities.

#### **308.8 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

#### **308.9 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

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#### 308.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Maryland Natural Resources Police is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this agency shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this agency, the other agency should relinquish control.

#### 308.9.2 PURSUITS EXTENDING INTO MARYLAND

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this agency should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this agency may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this agency to assist or take over a pursuit that has entered the jurisdiction of the Maryland Natural Resources Police, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor should review a request for assistance from another agency. The supervisor after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by officers of this agency will conclude at the State limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this agency may continue only until sufficient assistance is present.

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In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

#### **308.10 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, blocking or vehicle intercept, rolling roadblock (boxing-in), ramming or roadblock procedures.

##### **308.10.1 WHEN USE IS AUTHORIZED**

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

##### **308.10.2 USE OF FIREARMS**

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

##### **308.10.3 INTERVENTION STANDARDS**

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:
  - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
  - 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.

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3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of safety to those involved or the public.
  4. The suspect vehicle is stopped or traveling at a low speed.
  5. Only law enforcement vehicles should be used in this tactic.
- (b) Ramming a fleeing vehicle shall be prohibited except when the use of deadly force is warranted and should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
  2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
- (c) Rolling roadblocks (Boxing-in) a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (d) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public. The roadblock must be clearly visible and provide adequate warning to allow vehicles 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 vehicles when it is used as a roadblock.

### **308.11 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public

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and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

#### **308.12 REPORTING REQUIREMENTS**

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

A. Required Notifications

1. All pursuits will be reported immediately by the officer to their immediate Supervisor.

B. Blue Team Entry and Routing procedure

1. Involved officer

- (a) The primary pursuing officer or supervisor shall complete the Vehicle Pursuit incident in Blue Team. If the pursuit results in death or serious physical injury, the supervisor shall complete the Blue Team incident.
- (b) The pursuing officer shall forward the incident in Blue Team to the supervisor of the next rank for review and investigation. In addition, the officer will complete an incident report in RMS.
- (c) Officers who are involved in a pursuit as a secondary or support unit will complete a supplemental report in RMS.
- (d) The above reports will be submitted by the involved officers before the end of the shift during which the pursuit occurred, unless approval to submit the reports at a later time has been authorized by the officer's commander.
- (e) Upon completion of the Blue Team incident, it will be forwarded to the supervisor of the next rank for investigation.

2. Supervisor

- (a) The supervisor will review the incident for completeness and approve both the RMS report and Blue Team incident.
- (b) The supervisor will upload and attach the approved RMS report and any supplements to the Blue Team incident using the edit incident function.
- (c) Once their review is completed, the supervisor will enter their findings in the comments section in Blue Team and forward the incident to the Area/ Unit Commander for review.

3. Reviewing Supervisor

- (a) The Area /Unit Commander will complete a Pursuit Review as further outlined in Section 308.14.1 and forward the completed incident to the Captain.
- (b) Once the Blue Team incident is forwarded to the Captain's level, the Captain shall perform a final review of the incident and forward it directly to the IAU Commander in IAPro.

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1. The incident will then be tasked to the NRP Review Board for final disposition.
- C. The NRP Review Board shall conduct or assign the completion of a post-pursuit review, as appropriate.
- D. Annually, the Superintendent should direct a documented review and analysis of agency vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

#### **308.13 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

#### **308.14 PURSUIT REVIEW PHASE**

Misconduct revealed during the review phase will be handled in accordance with NRP policy.

##### **308.14.1 AREA/UNIT COMMANDER RESPONSIBILITIES**

As soon as practical, but within three calendar days, the Lieutenant in the area where the pursuit began will:

- (a) Discuss the pursuit with the involved officer and their supervisor(s);
- (b) Review of radio recordings, as appropriate;
- (c) Review and approve the Blue Team incident;
- (d) Document whether the pursuit was in conformance with policy, note any training suggestions in the comments portion of the Blue Team entry; and
- (e) Forward the completed Blue Team incident to the Captain. The Captain will conduct a final review and forward the incident directly to the Internal Affairs Unit using the "Forward to IAPro" function in Blue Team.

##### **308.14.2 TRAINING UNIT RESPONSIBILITIES**

All officers will be trained on this policy, pursuit driving and advanced pursuit tactics (e.g. Roadblocks) in the police academy.

- (a) (a) All pursuit incidents will be forwarded to the Training and Supply Division Commander by the IAU.
- (b) The Lead Driving Instructor will ensure all pursuits are evaluated and that any training considerations are addressed.



## Vehicular Response to Calls

<b>Effective Date:</b>	09/15/22
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 309.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

### 309.2 POLICY

It is the policy of this agency to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

### 309.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

#### 309.3.1 EMERGENCY CALLS

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to (Md. Code TR § 21-106):

- (a) When in pursuit or apprehending a violator or suspected violator.
- (b) When responding to a reported emergency involving possible personal injury, death or significant property damage.
- (c) When immediate assistance is requested by an officer or other law enforcement agency.

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the police communications operators. The police communications operators shall notify the Duty Officer or field supervisor, who will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

#### 309.3.2 CLASSIFYING CALLS FOR SERVICE

The following priority response codes are available to direct response:

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- (a) A Priority 1 call directs an expeditious response and authorizes the use of emergency lights and siren. Operations of a vehicle 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.

#### **309.4 REQUESTING EMERGENCY ASSISTANCE**

When requesting emergency assistance, the involved agency member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the police communications operators.

#### **309.5 SAFETY CONSIDERATIONS**

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (Md. Code TR § 21-106(c)).

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However, the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (Md. Code TR § 21-106(b)):

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- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.
- Park or stand without regard to parking restrictions.

#### **309.6 EMERGENCY EQUIPMENT**

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Duty Officer, field supervisor or the police communications operators of the equipment failure so that another officer may be assigned to the emergency response.

#### **309.7 OFFICER RESPONSIBILITIES**

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the police communications operators. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the police communications operators of his/her determination. Any subsequent change in the appropriate response level should be communicated to the police communications operators by the officer in charge of the scene unless a supervisor assumes this responsibility.

#### **309.8 SUPERVISOR RESPONSIBILITIES**

Upon being notified that an emergency response has been initiated or requested, the appropriate supervisor shall verify that:

- (a) The proper response has been initiated.
- (b) No more than those officers reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

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The supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

When making decisions on an emergency response, the supervisor should consider the following:

- The type of call or crime involved
- The type and circumstances of the request
- The necessity of a timely response
- Weather, traffic and road conditions
- The location of the responding officers and the location of the incident

## Canine Unit

<b>Effective Date:</b>	09/15/22
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 310.1 PURPOSE AND SCOPE

This policy will identify the purpose and function of the Maryland Natural Resources Police (NRP), Canine Unit (NRP Canine). This policy applies only to the decentralized Canine Unit members.

#### 310.1.1 DEFINITIONS

The following terms have the associated meanings with regard to this policy and the Maryland Natural Resources Police Canine Unit:

**Article/Evidence Search** - The process of locating and indicating items that contain non-specific human or spent gunpowder scent.

**Canine Handler** - Anyone assigned to the Canine unit that handles or is in training to handle a canine. Includes Canine Handler, Provisional Handler, and Non-operational Handler.

**Canine Team** - A human and working dog who train and work together as an operational unit.

**Pre-Planned Mission** - Any operation, mission, or event with adequate notification of occurrence that allows future planning, resourcing, and scheduling of handlers.

**SOD Command** - Any ranking member or designee of the Special Operations Division given decision-making authority to supervise an operation or event.

**Special Operations Division (SOD)** - The Criminal Investigations and Response Team Section, which is part of the Special Services Bureau.

**Tracking** - The propensity or learned ability of a dog to methodically follow odor on the ground (human/ground disturbance) by working the dog close to the pathway.

**Wildlife Detection:** The process of locating specific animals.

### 310.2 POLICY

The Maryland Natural Resources Police has a Canine program dedicated to the support of the agency's mission. Canine teams, consisting of a handler and a dog, play a key role in locating resource violations and those responsible for them. Evidence recovery, search and rescue, tracking, article detection, and human remains detection, are all part of the Canine unit's portfolio. Daily patrols and public demonstration events provide examples of the Canine team's abilities which in turn serve as a deterrent to natural resources violations. Exposure of the program and the Canine to the public enlists an appreciation for natural resource protection in the state of

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Maryland. They are not intended to replace the instincts and investigative skills of officers. To ensure optimum results, officers should combine their skills with those of the Canine to meet the agency's objectives.

#### **310.3 CANINE SERVICES**

The Canine Unit will provide the following services:

- (a) Tracking
- (b) Article Detection
- (c) Wildlife Detection
- (d) Human Remains Detection
- (e) Assistance to other law enforcement agencies
- (f) Public education/relations on Department of Natural Resources law enforcement responsibilities

#### **310.4 UNIT POSITIONS**

**SOD Command** – The SOD Command shall provide direction to the Canine Unit, and shall request necessary funding, resources, and adequate personnel to maintain the integrity and functionality of the Canine Unit, as necessary.

**Section Supervisor** – The Section Supervisor is responsible for the supervision of the Canine Unit. The Supervisor shall ensure the training standards are maintained and that missions and training are properly documented. The supervisor will also assist in directing and allocating the resources necessary to acquire adequate training and equipment. The supervisor will oversee the selection process for assignments of new team members.

**Canine Unit, Team Leader** – The Canine Unit team leader is responsible for the performance of the Canine Unit. The team leader shall oversee all training, equipment acquisition, and canine selections. They will also assist with handler selections. The team leader will make recommendations as to necessary training and equipment. They will identify and schedule specialized team training and coordinate monthly team training.

**Canine Handler** – A Canine Handler has at least one canine assigned to them and is considered to be fully operational. A Canine Handler is a sworn law enforcement officer trained, equipped and assigned to the Canine Unit either in a full-time or decentralized status. Canine Handlers must be current on all training and certifications for a particular discipline prior to utilizing the canine for that discipline. Canine Handlers will utilize, train and maintain their canine in compliance with all SOPs and training guidelines.

**Provisional Handler** – A Provisional Handler is an individual selected for assignment with the Canine Unit but is not yet fully operational. Provisional Handlers may or may not have a canine assigned to them at a particular time. Provisional Handlers will be in a probationary status until all required training and certifications are satisfactorily completed for at least one discipline. Provisional Handlers will attend all scheduled training and at the discretion of the Canine Unit

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Team Leader, can be used in support functions during Canine missions. If assigned a canine, Provisional Handlers will train and maintain their canine in compliance with all SOPs and training guidelines. Provisional Handlers will not use their canines outside of training or canine care and maintenance until promoted to the position of Canine Handler.

**Handler Candidate** - A sworn NRP at the rank of Corporal or below who has applied to become a Canine Handler.

**Non-Operational Handler** - A handler who is not fully operational due to medical, training or certification deficiencies of either the handler or their assigned canine. A non-operational handler will attend all applicable scheduled training. At the discretion of the Canine Unit Team Leader and in coordination with the Canine Section Supervisor, they may be assigned additional training to return them to operational status. Non-operational handlers will train and maintain their canine in compliance with all SOPs and training. Non-operational handlers will not use their canines outside of training, or canine care and maintenance until returned to the position of handler.

**Operational Canine**- An operational canine is one that is assigned to a handler and in conjunction with that handler is fully trained and certified in one or more disciplines. The canine must be physically and medically able to function in its assigned discipline(s) and current on all training.

**Provisional Canine**- A provisional canine is a canine identified as likely possessing the necessary characteristics to be trained as an operational canine in one or more disciplines, but is not yet fully trained and certified.

**Non-operational Canine**- A canine that is not able to perform its designated duty due to one or more deficiencies. Deficiencies may include but are not limited to physical, medical, training or handler issues.

**Canine Candidate** - A canine candidate is a canine that is undergoing evaluation to determine if it has the necessary characteristics to be an operational canine.

### **310.5 HANDLER RESPONSIBILITIES**

Handlers are responsible for complying with all Agency and Canine Unit policies and procedures.

- (a) Any charge related to non-compliance with the rules, policies, and procedures of the NRP or the Canine Unit may lead to suspension from the team. This decision will be made at the discretion of the SOD Command in conjunction with the handler's Area/Unit Commander as applicable.

Job performance:

- (a) If a member receives more than two "needs improvement" ratings on his/her six-month appraisal from their field supervisor, they will be placed in a probationary status and may be relieved of their Canine Unit responsibilities. This decision will be made at the discretion of the SOD Command in conjunction with the handler's Area/Unit Commander.

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- (b) A handler must notify the SOD command immediately if they receive the above-noted ratings on their appraisal report. Failure to notify the Response Team Section supervisor will result in immediate suspension from the team.

Handlers will respond to missions and training with all required equipment.

- (a) Handlers will reply with their availability to respond to mission/call-out requests received via email, text message, phone, or by radio within 30 minutes of notification unless on extended leave.
- (b) When arriving on the scene of a mission or training, all equipment will be properly serviced and operational. It is the responsibility of the Handler to notify the Team Leader of any missing and/or non-operational equipment.

Handlers are required to attend scheduled training assignments. Handlers must request and be approved by the Section Supervisor or Canine Unit Team Leader to be excused from pre-scheduled training.

- (a) Training assignments are scheduled at the beginning of the calendar year and shared with all handlers and their commanders. Every effort should be made by the handlers to ensure that another event (i.e. in-service, etc.) is not scheduled on Canine training dates.
- (b) It is the responsibility of the handler to ensure their pre-scheduled training dates and missions are entered onto their Area schedules.
- (c) Handlers that fail to consistently maintain training hours will be placed in a non-operational status. Handlers will return to an operational status upon completion of assigned training.
- (d) The SOD Command will coordinate any related training outside of the pre-scheduled training dates with the handler's Area/Unit Commanders.

Operational status is defined by the following:

- (a) Compliance with all agency policies and procedures
- (b) Training attendance
- (c) Passing the annual NRP fitness test. Handlers are allowed three hours per week for physical training during duty hours. These hours will be scheduled with their supervisor.
- (d) Scoring 80% or higher on NRP semi-annual pistol and shotgun qualification courses
- (e) Achieving satisfactory ratings on his/her six-month performance appraisals by Field Operations Supervisor.

### **310.6 HANDLER SELECTION**

The SOD will publish a vacancy announcement when a vacancy exists on the Canine Unit.

The Section Supervisor will work with the SOD Command to prepare vacancy announcements, set testing dates and locations, and participate in the scoring and selection of candidates.



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The SOD Command will forward, through the chain of command, a list of recommended candidates to the Superintendent for final selection to the Canine Unit.

Once a vacancy is identified, the agency will publish an announcement, solicit candidates, and conduct testing as needed.

All applicants must submit the required documents, completed correctly, by the dates outlined in the announcement. Failure to do so will cause the candidate to be removed from consideration.

Applicants must successfully complete all phases of testing to be considered for membership on the Canine Unit.

#### 310.6.1 ELIGIBILITY AND PROCESS

- (a) Sworn officers of the NRP, holding the rank of Corporal and below are eligible for membership on the Canine Unit.
- (b) Applicants must have three years of certified law enforcement experience.
- (c) Applicants may not be a current member of another special response team.
- (d) Applicants must be willing to work extended shifts, travel to training and Canine utilizations, and be away from home for extended periods for training.
- (e) The Superintendent may make exceptions to the above guidelines.
- (f) Applicants interested in joining the Canine Unit will complete the following forms and return them to the directed person, by the deadlines set forth:
  - 1. An interest form signed by the applicant, the applicant's immediate supervisor, and the Area Commander.
    - (a) By signing the interest form, the applicant's supervisors are endorsing the candidate and acknowledging that the applicant is suitable for extra-duty assignments.
  - 2. An NRP Resume Template (NRP 466-T).
  - 3. Completed NRP Medical Waiver form, with a physician's original signature.
- (g) Applicants will be required to complete a physical fitness test in which the applicant must:
  - 1. Complete 18 push-ups in one minute.
  - 2. Complete 27 sit-ups in one minute.
  - 3. Run 1 ½ miles in 15 minutes 20 seconds.
  - 4. Be able to lift and carry 60 lbs. for 100 yards.
- (h) Applicants will participate in a dog handling practical that consists of basic canine handling tasks as determined by the Canine Team Leader.
- (i) Applicants must own a residence or have a long-term rental agreement on suitable property to house a canine.

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1. Applicants may be required to have their residence inspected by the Canine Unit Team Leader or Section Supervisor for the suitability of housing a canine.
- (j) The SOD Command may require applicants to complete an oral interview.
  1. The SOD Command will appoint the interview board.
- (k) Applicants will be required to complete an extended period of training and certification as directed by SOD Command.
- (l) The SOD Command will use the criteria set forth on the NRP Extra-Duty Assignment Scoring Form (NRP-466-S) to rank the respective candidates.
- (m) Final recommendations will be forwarded through the chain of command to the NRP Superintendent for consideration.
- (n) Once the Superintendent approves the final selection, a Personnel Order will be issued, announcing the candidates as provisional handlers with the Canine Unit.

### **310.7 UNIFORMS**

The Agency will provide members of the Canine Team with uniforms that provide for comfort and ease of operation while engaged in missions and training.

Handlers on the Canine Team will properly maintain and care for all issued Team uniforms.

The standard uniform for Canine handlers will be the issued BDUs.

- (a) Canine handlers may replace the ID placard on their external vest with one that reads "Police K-9".
- (b) Canine handlers may wear alternate footwear appropriate to the specific Canine assignment.
- (c) Canine handlers may wear other approved attire such as outerwear, alternate BDUs, hats, and gloves when appropriate to the specific Canine assignment.
- (d) Any alternate uniforms must be approved by the Superintendent.

Upon satisfactory completion of all training requirements, new handlers will have earned a Canine unit pin that is approved by the Superintendent.

- (a) This pin shall be displayed above the nameplate on Class A, Class B, and Class C uniforms.

Handlers may be issued Canine unit-specific uniform items if needed for their discipline to include but not limited to:

- (a) Supplemental body armor
- (b) Camouflage outerwear
- (c) Camouflage BDUs
- (d) Gloves
- (e) Hats or other headgear

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- (f) Backpack
- (g) Short sleeve/long sleeve T-shirt
- (h) Insulating layer
- (i) Collared shirt

Canine unit-specific uniform items will only be worn while actively engaged in, or in transit to or from a Canine patrol, mission, training, or function. It shall not be worn while engaged in routine, non Canine related, field patrol.

Any non-issued items handlers wish to wear/employ must be approved by the Section Supervisor or Team Leader. Morale patches or any non-issued patches shall not be worn/displayed on the uniforms.

### **310.8 EQUIPMENT**

The agency will ensure that all required equipment is made available to handlers of the Canine unit.

Canine Unit Team Leader - The Canine Unit Team Leader, at the direction of the Section Supervisor, will ensure that all handlers are issued the required equipment, and will request any equipment not immediately available through the chain of command.

Canine Handlers - The handler is responsible for the care and maintenance of all issued equipment.

### **310.9 TRAINING**

The Agency will ensure that training is made available to all Canine handlers according to the schedule outlined in this SOP. The training schedule will align with training standards and best practices as prescribed by The Scientific Working Group on Dog and Orthogonal Detector Guidelines (SWGDOG).

The Canine Team Leader will work with the Section Supervisor to schedule monthly and in-service training dates, annually.

The Section Supervisor will ensure that all training is conducted according to the guidelines outlined in this policy and that all training is properly documented according to this SOP.

Canine handlers are required to attend all scheduled training unless excused by the Section Supervisor or designee.

- (a) It is the responsibility of the handler to enter pre-scheduled training dates on their Area/Unit's proposed schedule.
- (b) Canine handlers will make every effort not to schedule other training or assignments on Canine training days.

Entry Level Canine Training:

- (a) Provisional handlers will attend all regularly scheduled Canine Unit training whether or not they are assigned a canine.

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- (b) Provisional members shall complete an SOD approved training plan and pass all certifications prior to being considered an operational team.
- (c) Prior to being assigned a canine, provisional handlers will complete training in:
  - 1. Basic canine first aid
  - 2. General canine care
  - 3. Basic canine obedience

#### Monthly Training:

- (a) Canine teams must conduct a minimum of 16 hours of training a month.
- (b) The SOD Command will establish and distribute scheduled training dates before January 1st of each calendar year. It will be the responsibility of the Team Leader, or his designee to ensure training is conducted in a safe, organized fashion and that the training is relevant and meaningful.
- (c) If training days are missed, they shall be rescheduled.
- (d) A Canine team that does not meet the 16 hour a month training minimum two months in a row will be designated as non-operational until such time as the Team Leader determines that the amount of training missed has been made up sufficiently.

#### Annual Training:

- (a) The Canine Unit will conduct annual in-service training during one consecutive five (5) day period, twice per year (generally Spring/Fall). Canine team testing and evaluation shall occur during these training sessions. Scheduling of this training will be coordinated with each canine handler's Area Commander and District Supervisor.
- (b) The training period will be structured to provide travel days on the first and last day as necessary.
- (c) The State will provide lodging for the annual in-service Canine training.

#### 310.9.1 TRAINING DOCUMENTATION

Each Canine training evolution will be clearly and completely documented by the team leader or their designee. These records should include, but are not limited to the following information:

- (a) Location of the training
- (b) Time: beginning and ending
- (c) Members present
- (d) Training objective
- (e) Training improvements
- (f) Any relevant comments

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#### 310.9.2 CERTIFICATIONS

- (a) Canine teams will be certified in accordance with the standards of the United States Police Canine Association, or other recognized organizations as approved by the Division Commander.
- (b) Canine Verification Standards will be coordinated by the Section Supervisor and will be conducted on an annual basis.
- (c) Canines that do not pass the Canine Verification Standards for a particular skill set (tracking/article search/ wildlife detection/ cadaver) will have seven days to re-test on the particular component that the canine failed. After the second verification attempt, if the canine fails, a course of training will be developed with the Unit Commander, Section Supervisor, and canine handler to address the issue. Within 30 days from the second attempt, the canines will be given a third opportunity to re-test on the particular component that the canine failed. After the third verification attempt, if the canine fails, a letter to the SOD commander from the Unit commander will outline the problem and any proposed course of corrective action.
- (d) The SOD commander will forward a memorandum to the Superintendent with suggestions or recommendations for the future use of the agency canine who has failed the verification on three consecutive occasions.
- (e) Canines that retire or are dismissed from the unit may be given to the Handler at the discretion of the Superintendent. The Canine Handler may also request that the retired canine maintain their issued K-9 badge.
- (f) Canines that fail a particular portion of the Canine Verification Standards will not be considered operational for the failed skills set until they pass the required standard.

#### 310.9.3 WEEKLY PHYSICAL FITNESS TRAINING TIME

- (a) Handlers will be allotted weekly physical fitness training time.
- (b) All handlers will be granted one hour for physical fitness training while on duty, 3-times per week to maintain physical fitness.
- (c) Field supervisors will pre-approve the training time in order to minimize the impact to shift coverage.
- (d) Handlers will document physical fitness training time on a PT Training Log and will make the log available for inspection for the Section Supervisor/SOD Command upon request.

#### **310.10 REQUIRED LICENSURE FOR CANINES USED IN LAW ENFORCEMENT**

The following is required under PS 2-313:

- A. Each canine used for law enforcement work by the NRP shall have a license issued by the Maryland State Police.
  - 1. A license is obtained via online registration at [mdsp.maryland.gov](http://mdsp.maryland.gov).
- B. A license issued under this section is valid for all canine licensing purposes anywhere in the State.

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- C. A license issued under this section is in effect until the earlier of:
  - 1. revocation of the license by the State Police; and
  - 2. removal of the licensed canine from law enforcement work.
- D. The State Police, upon licensure of the canine, shall provide with each license a metal tag that:
  - 1. is stamped "Department of State Police"; and
  - 2. bears the license number of the dog.
  - 3. The tag shall be affixed to a substantial collar provided by NRP.
  - 4. The tag and collar shall be kept on the licensed dog at all times unless the canine is confined in a kennel or is under the personal charge of the NRP canine handler to whom the dog is assigned.

## Domestic Violence

<b>Effective Date:</b>	06/30/23
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of the Maryland Natural Resources Police to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence (Md. Code FL § 4-514).

#### 311.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

**Domestic violence** - Abuse occurring between current or former spouses or cohabitants, persons who have a child in common, or persons currently or formerly involved in a dating relationship (Md. Code FL § 4-701(c)).

### 311.2 POLICY

The Maryland Natural Resources Police's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this agency to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

### 311.3 REFERENCES

MD. CODE ANN., FAM LAW § 4-501 et seq.

MD. CODE ANN., CRIM. PROC. § 2-204

MD. CODE ANN., CRIM. PROC. § 6-233

### 311.4 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved. At least two officers will be dispatched when available to each case that involves an allegation of domestic violence.

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#### **311.5 INVESTIGATIONS**

The following guidelines shall be followed by officers when investigating domestic violence cases to protect the victim from harm (Md. Code FL § 4-502(a)(2)):

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries shall be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the investigating officer in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable, which is included in the NRP-473, Domestic Violence Supplemental Report.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize and remove any firearms upon a consent search or in plain view if appropriate and legally permitted. The officer shall provide information to the owner on the process of retaking possession of the firearm. The Agency shall then provide safe storage during the pendency of any domestic violence proceeding (Md. Code FL § 4-511).
- (i) When completing an incident or arrest report for violation of a court order, officers shall include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers shall take appropriate enforcement action when there is probable cause to believe an offense has occurred.

##### **311.5.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.



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- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail, if applicable.

#### **311.5.2 IF NO ARREST IS MADE**

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
  - 1. Voluntary separation of the parties.
  - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).
- (b) Document the resolution in a report.

#### **311.6 VICTIM ASSISTANCE**

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

- (a) Victims shall be provided with the "Crime Victims and Witnesses: Your Rights and Services" booklet even if the incident may not rise to the level of a crime. (Md. Code FL § 4-503).
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers shall accompany the person to the family home and stand by while personal clothing and effects are removed (Md. Code FL § 4-502(a)(2)(ii)).
- (d) If the victim has sustained injury or complains of pain, officers shall seek medical assistance for the victim as soon as practicable.
- (e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a safety concern or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should seek or assist the victim in obtaining an interim protective order.
- (h) Use the substitute address if the victim is registered in the state Address Confidentiality Program (Md. Code SG § 7-302).
- (i) NRP-473, Domestic Violence Supplemental Report
  - 1. Officers will prepare the NRP-473, Domestic Violence Supplemental Report, in addition to an incident report, anytime they:

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- (a) believe an assault may have occurred;
  - (b) sense the victim's potential for danger is high;
  - (c) learn there is a history of domestic calls for service; or
  - (d) believe that a lethality screening should be conducted.
- 2. The NRP-473 incorporates the Lethality Assessment Form.
- 3. Officers conducting lethality screenings will:
  - (a) use the NRP-473 for the screening;
  - (b) advise the victim if the responses meet the threshold for referral as indicated on the NRP-473, as these factors tend to predict intimate partner homicide;
  - (c) call the domestic violence hotline counselor for the county of the incident location found on page 3 of the NRP-473 if the responses meet the threshold or if the officer believes the victim is in a potentially lethal situation;
  - (d) encourage the victim to speak with the counselor;
  - (e) not jeopardize their safety or the safety of others in order to complete a lethality screening or to call to counselor;
  - (f) provide full assistance to the victim should the victim choose not to speak with the counselor; and
  - (g) document the screening in the incident report.
- (j) Strangulation
  - 1. "Choking" is accidental and is caused by an object. It implies a lesser degree of harm or distress and tends to minimize that a violent act against a person has occurred. If the victim uses the term "choke" and she/he was actually strangled, officers should put the victim's use of the word "choke" in quotes in the report.
  - 2. "Strangulation" is intentional violence on another person. Officers should recognize and use the correct term when a victim claims to have been strangled. They should have the victim specifically describe the actions/behavior of their assailant during the assault.
  - 3. Officers will ensure that the strangulation portion of the NRP-473 is completed in all cases where there is evidence or reports of strangulation.
- (k) All forms will be uploaded to the RMS system as attachments.
  - 1. Supervisors will disapprove any domestic violence report that do not have the appropriate forms attached.

### **311.7 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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Police Communications Operators are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that police communications operators check whether any of the involved persons are subject to the terms of a court order.

#### **311.8 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state (Md. Code FL § 4-508.1(b)).

#### **311.9 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

##### **311.9.1 COURT-ORDERED SURRENDERED FIREARMS**

If a respondent surrenders a firearm to the Agency under a temporary or final court order, the officer shall provide the respondent information on the process for retaking possession of the firearm. The officer shall transport and store the firearm in a protective case, if one is available, and in a manner intended to prevent damage to the firearm during the time the protective order is in effect (Md. Code FL § 4-506.1). Firearms will be logged into the evidence room for safekeeping.

If a defendant in a criminal case who is ordered to surrender firearms pursuant to Md. Code CP § 6-234 transfers a firearm to the Agency, the officer receiving the firearm shall issue the person transferring the firearm a written proof of transfer containing:

- (a) The name of the person transferring the firearm.
- (b) The date the firearm was transferred.

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- (c) The serial number (or identifying marks if the firearm was manufactured before 1968), make, and model of the firearm.
- (d) Any other information required by state or federal law.

The receiving officer should keep a copy of the written proof of transfer and should make appropriate entries in any required logs. Firearms will be logged into the evidence room for safekeeping. The Superintendent may develop additional procedures pertaining to the storage and disposal of any surrendered firearms.

#### **311.10 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report:

- (a) May arrest a person without a warrant if the report to law enforcement was made within 48 hours of the alleged incident and the officer has probable cause to believe that (Md. Code CP § 2-204):
  - 1. The person battered his/her spouse or another person with whom the person resides.
  - 2. There is evidence of physical injury.
  - 3. Unless the person is arrested immediately, the person:
    - (a) May not be apprehended.
    - (b) May cause physical injury or property damage to another.
    - (c) May tamper with, dispose of, or destroy evidence.
- (b) Shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation (Md. Code FL § 4-509(b)).
- (c) Shall arrest, with or without a warrant, and take into custody a person the officer has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe, and that is in effect at the time of the violation if the person seeking the assistance (Md. Code FL § 4-508.1(c)):
  - 1. Has filed a copy of the order with the District Court or circuit court for the jurisdiction in which the person seeks assistance.
  - 2. Displays or presents to the officer a copy of the order that appears valid on its face.

##### **311.10.1 MUTUAL BATTERY**

- A. If an officer has probable cause to believe a mutual assault occurred, they will attempt to identify the primary aggressor before making any decision to arrest. (Md. Code CP § 2-204(b)).
  - 1. Maryland statute seeks to hold the primary aggressor accountable; therefore, if one person was the primary aggressor, that person should be subject to arrest.
  - 2. In order to identify the primary aggressor, officers will:

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- (a) interview all parties involved;
  - (b) consider any history of violence (e.g., incident reports, Protective Orders);
  - (c) not necessarily rely on which party started a verbal argument, provocation is not cause for physical aggression; and
  - (d) evaluate any injuries sustained by the parties while considering the:
    - 1. degree, appearance, and type of injury;
    - 2. strength, size, and capability of each person to inflict injury, and
    - 3. fear displayed by each of the parties.
- 3. The law requires officers to consider whether one of the parties acted in self-defense.
  - (a) A person can act in self-defense when:
    - 1. the person actually believed they were in immediate danger of bodily harm;
    - 2. the person's belief was reasonable; and
    - 3. the person used no more force than was reasonably necessary to defend themselves in light of the threatened or actual harm.
  - (b) Dual arrest is not appropriate when the investigation reveals a person struck an aggressor in self-defense.
- 4. If two people assaulted each other and neither acted in self-defense, the officer may arrest both.

#### **311.11 REPORTS AND RECORDS**

The Records Section shall provide a copy of the domestic violence report to the victim upon request (Md. Code FL § 4-503.1).

#### **311.12 SERVICE OF COURT ORDERS**

##### **311.12.1 INTERIM PROTECTIVE ORDER**

An officer shall immediately on receipt of a petition and interim protective order serve them on the respondent named in the order. Immediately after service, the officer shall submit the documents to the Records Section, which will make a return of service to the commissioner's office or, if the Office of the District Court Clerk (Clerk) is open for business, to the Clerk; and within two hours after service of the order, electronically notify the Department of Public Safety and Correctional Services (DPSCS) of the service (Md. Code FL § 4-504.1(g)).

##### **311.12.2 TEMPORARY PROTECTIVE ORDER**

An officer shall immediately serve the temporary protective order on the alleged abuser. Immediately after service the officer shall submit the documents to the Records Section which will within two hours after service of the order on the respondent, electronically notify the DPSCS (Md. Code FL § 4-505(b)).

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#### **311.13 DOCUMENTATION OF THE INCIDENT**

- A. Incident reports will be completed for all domestic dispute and domestic violence incidents, regardless of whether a crime occurred, and may not be closed as "no report".
- B. In addition to an incident report, a NRP-473, Domestic Violence Supplemental Report, will be completed for all domestic violence incidents, regardless of whether an arrest was made, if the officer believes an assault may have occurred; sense the victim's potential for danger is high; learn there is a history of domestic calls for service; or believes that a lethality screening should be conducted.
- C. In addition to other required information, officers responding to domestic violence incidents will document the following in the narrative section of the incident report, if applicable:
  - 1. if the incident took place in the presence of a child;
  - 2. what assistance was offered to the victim;
  - 3. if the victim was given a "Crime Victims and Witnesses: Your Rights and Services" booklet;
  - 4. if an NRP-473 was completed;
  - 5. if a lethality screening was conducted;
  - 6. if the required telephone call to a domestic violence counselor was made; and
  - 7. if an arrest was not made, an explanation of why the aggressor was not arrested.

## Search and Seizure

<b>Effective Date:</b>	09/15/22
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 312.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Maryland Natural Resources Police personnel to consider when dealing with search and seizure issues.

### 312.2 POLICY

It is the policy of the Maryland Natural Resources Police to respect the fundamental privacy rights of individuals. Members of this agency will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this agency will comply with relevant federal and state law governing the seizure of persons and property.

The Agency will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate

### 312.3 SEARCHES

The United States Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances
- Open fields

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

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## Policy Manual

### *Search and Seizure*

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Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this agency is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

#### **312.4 SEARCH PROTOCOL**

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Written consent should be obtained where practicable and allowed by law, using the NRP-422, Written Consent to Search form, or the NRP-422-DE, Digital Evidence Consent to Search form.
- (b) Members of this agency will strive to conduct searches with dignity and courtesy.
- (c) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (d) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (e) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (f) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (g) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
  1. Another officer should witness the search.
  2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

#### **312.5 DOCUMENTATION**

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property



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## Policy Manual

### *Search and Seizure*

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- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and agency policy have been met.

## Child Abuse

<b>Effective Date:</b>	06/24/22
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Maryland Natural Resources Police Officers are required to notify the local department of social services of suspected child abuse.

#### 313.1.1 DEFINITIONS

Definitions related to this policy include (Md. Code FL § 5-701):

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or by a member of the child's family or household, or any other act that would mandate notification to a social service agency or law enforcement.

### 313.2 POLICY

The Maryland Natural Resources Police will investigate all reported incidents of alleged criminal child abuse and ensure the local department of social services is notified as required by law.

### 313.3 MANDATORY NOTIFICATION

Maryland Natural Resources Police officers shall notify the local department of social services when they have reason to believe that a child has been subjected to abuse or neglect (Md. Code FL § 5-704; Md. Code FL § 5-705.1).

For purposes of notification, abuse includes physical or mental injury (or the substantial risk of such injury) inflicted by a parent, household member, family member, or anyone else who may have custody of, be caring for, or have authority over the child. Abuse also includes any sexual abuse or exploitation of a child. Abuse does not include accidental injuries. Neglect includes the failure of a caregiver to provide proper care to a child to the extent that the child is physically or mentally harmed or at risk of such harm (Md. Code FL § 5-701).

#### 313.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (COMAR 07.02.07.04; Md. Code FL § 5-704(b)):

- (a) The handling officer shall:

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1. Make an oral report as soon as possible to the local department of social services by telephone or direct communication.
  2. Complete a report no later than 48 hours after having reason to believe that a child has been subjected to abuse, and forward a copy to the local department of social services and State's Attorney.
- (b) The notification, insofar as is reasonably possible, shall include:
1. The name, age and home address of the child.
  2. The names and ages of other children in the home or in the care of the person alleged to be responsible for the abuse or neglect.
  3. The name and home address of the child's parent or other person who is responsible for the child's care.
  4. The whereabouts of the child.
  5. The nature and extent of the abuse or neglect of the child, including any evidence or information concerning possible previous instances of abuse or neglect of the child or by the person alleged to be responsible for the abuse or neglect.
  6. Any other information that would help to determine:
    - (a) The cause of the suspected abuse or neglect.
    - (b) The identity of any person responsible for the abuse or neglect.
    - (c) The safety of the child and risk of future abuse or neglect.
  7. In the case of suspected child abuse or neglect involving a mental injury:
    - (a) A description of the substantial impairment of the child's mental or psychological ability to function.
    - (b) An explanation of why it is believed the mental injury is attributable to maltreatment or failure to provide proper care and attention.
    - (c) Observations or knowledge about the intent or recklessness of the person alleged to be responsible for causing a mental injury.
- (c) For suspected abuse of a child living out of state and occurring out of state, notification shall be made to any local department of social services in accordance with the requirements of Md. Code FL § 5-705.1.

### **313.4 CRIMINAL INVESTIGATIONS SECTION ASSISTANCE**

Investigators with the Criminal Investigations Section are available to assist with:

- (a) Conducting interviews in child-appropriate interview facilities.
- (b) Being familiar with forensic interview techniques specific to child abuse investigations.
- (c) Presenting all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinating with other enforcement agencies, social service agencies and school administrators as needed.

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- (e) Providing referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participating in or coordinating with multidisciplinary investigative teams as applicable (COMAR 07.02.07.22; COMAR 07.02.07.23; Md. Code FL § 5-706(f); Md. Code FL § 5-706(g); Md. Code FL § 5-706.2(b)).

### **313.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) A thorough and timely investigation and report as required by state law (Md. Code FL § 5-706). This should be done by the investigating officer in all circumstances where a suspected child abuse victim is contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim is transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Whether within 24 hours after receiving a report of suspected physical or sexual abuse of a child, and within five days after receiving a report of suspected neglect or suspected mental injury of a child, the handling officer complied with COMAR 07.02.07.08, Md. Code FL § 5-706(c) and Md. Code FL § 5-706.2(c) by:
  - 1. Seeing the child.
  - 2. Attempting to have an on-site interview with the child's caretaker.
  - 3. Deciding on the safety of the child, wherever the child is, and of other children in the household.

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4. Deciding on the safety of other children in the care or custody of the alleged abuser.
  - (l) Seeking assistance from the local State's Attorney as needed (Md. Code FL § 5-706(d)).
  - (m) Completing an investigation as soon as practicable, but not later than the time frames specified by state law (COMAR 07.02.07.09; Md. Code FL § 5-706(h); Md. Code FL § 5-706.2(d)).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

#### **313.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact the local department of social services. Generally, the decision to remove a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this agency should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the local department of social services.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Md. Code CJ § 3-8A-14; Md. Code CJ § 3-814):

- (a) Pursuant to an order of the court.
- (b) By an officer pursuant to law of arrest.
- (c) By an officer with reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection.

Anytime an officer takes a child into custody, notifications should be made as provided in the Temporary Custody of Juveniles Policy.

##### **313.6.1 SAFE HAVEN LAW**

A mother, or a person with the permission of the mother, may relinquish an unharmed newborn within 10 days after birth to an officer when the mother expresses an interest in abandoning

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the child. As soon as possible, the officer shall take the newborn to a hospital or other facility designated by the Department of Human Resources (Md. Code CJ § 5-641).

#### **313.7 INTERVIEWS**

##### **313.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

##### **313.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

#### **313.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

An examination and emergency medical treatment may be provided for a child without parental consent if an officer states a belief that the child has been abused or neglected (COMAR 07.02.07.07(f)(3)).

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#### **313.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

##### **313.9.1 SUPERVISOR RESPONSIBILITIES**

Supervisors should:

- (a) Work with professionals from the appropriate agencies, including the local department of social services, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when notified by an officer that he/she has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

##### **313.9.2 OFFICER RESPONSIBILITIES**

Officers encountering a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify a supervisor so an interagency response can begin.

#### **313.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Maryland requires or permits the following:

##### **313.10.1 PROCESSING REPORTS AND RECORDS**

The handling officer shall ensure that (COMAR 07.02.07.07; Md. Code FL § 5-706(i):

- (a) A preliminary report of findings of the investigation is submitted to the local State's Attorney within 10 days after receiving a report of suspected abuse.
- (b) An approved RMS report of findings of the investigation is submitted to the local State's Attorney within five business days after the investigation is completed.

##### **313.10.2 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse is confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (COMAR 07.02.07.21; Md. Code FL § 5-707).

##### **313.10.3 CHILD FATALITY REVIEW**

This agency will cooperate with a local or state child death review team (Md. Code FL § 5-706).

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#### 313.10.4 HOUSEHOLD ENTRY

Upon request, an officer shall accompany a representative of the local department of social services who has been denied entry into a household in which the representative has probable cause to believe that a child is in serious, immediate danger. If necessary, the officer may use reasonable force to enable the representative to gain entry (Md. Code FL § 5-709(b)).

#### 313.10.5 FAILURE TO REPORT

An officer investigating allegations of child abuse who believes that a person has knowingly failed to report suspected abuse or neglect shall file a complaint with the appropriate agency or board (Md. Code FL § 5-705.4).

### **313.11 TRAINING**

The Agency should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.



## Adult Abuse

<b>Effective Date:</b>	09/15/22
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Maryland Natural Resources Police members as required by law.

#### 314.1.1 DEFINITIONS

Definitions related to this policy include:

**Adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

### 314.2 POLICY

The Maryland Natural Resources Police will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

### 314.3 MANDATORY NOTIFICATION

Members of the Maryland Natural Resources Police shall notify the local Maryland Department of Human Services Adult Protective Services (APS) office when there is reason to believe that an adult who lacks the physical or mental capacity to provide for his/her own daily needs has been subjected to abuse, neglect, self-neglect or exploitation (Md. Code FL § 14-302(a)).

#### 314.3.1 NOTIFICATION PROCEDURE

Notification shall occur as follows (Md. Code FL § 14-302):

- (a) The officer investigating the case shall notify the local APS office by telephone, direct communication or in writing as soon as possible.
- (b) The investigating officer shall include at least the following information as reasonably known:
  1. The name, age and home address of the adult, including his/her current whereabouts.
  2. The name and home address of the person responsible for the adult's care.
  3. The nature of the adult's suspected incapacity.

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4. The nature and extent of the abuse, neglect, self-neglect or exploitation, including any reasonably known evidence or information concerning previous injury that may have resulted from abuse, neglect, self-neglect or exploitation.
5. Any other information that would help to determine the cause of the suspected abuse, neglect, self-neglect or exploitation, and the identity of any individual responsible for the abuse, neglect, self-neglect or exploitation.

#### **314.4 QUALIFIED INVESTIGATORS**

Investigators assigned to the Criminal Investigations Section are available to investigate or assist with cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (COMAR 07.02.16.07(B)).

#### **314.5 INVESTIGATIONS AND REPORTING**

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

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- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

#### **314.6 PROTECTIVE CUSTODY**

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation (Md. Code FL § 14-307).

Generally, members of this agency should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS (Md. Code ET § 13-709(a)).

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

#### **314.7 INTERVIEWS**

##### **314.7.1 PRELIMINARY INTERVIEWS**

Whenever possible, and with consent, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

##### **314.7.2 DETAINING VICTIMS FOR INTERVIEWS**

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

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- (a) The adult cannot adequately provide for his or her own care or protection and exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
  - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

#### **314.8 MEDICAL EXAMINATIONS**

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. The supervisor should consider other government agencies or services that may obtain a court order for such an examination.

#### **314.9 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

##### **314.9.1 SUPERVISOR RESPONSIBILITIES**

Supervisors should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when notified by an officer that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

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#### 314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives there should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify a supervisor so an interagency response can begin.

#### **314.10 STATE MANDATES AND OTHER RELEVANT LAWS**

The following sections outline certain laws relevant to this chapter.

##### 314.10.1 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

- (a) Providing a copy of the adult abuse report to APS as required by law.
- (b) Retaining the original adult abuse report with the initial case file.
- (c) Providing copies of a report of alleged abuse at a facility that cares for adults as required by law (Md. Code HG § 19-347).

##### 314.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse are confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy. However, law enforcement and participating agencies involved in the investigation may share information (Md. Code FL § 14-303(e)).

##### 314.10.3 INVESTIGATION ASSISTANCE

On request of APS or any law enforcement agency, the handling officer shall assist in investigation of adult abuse (Md. Code FL § 14-303(c)).

If, in the course of an investigation, an APS representative believes that an emergency exists, the representative may request law enforcement assistance. Responding officers shall accompany the representative. If the officer believes that an emergency exists as described in Md. Code ET § 13-709(a), the officer shall ensure that the individual is transported to an appropriate health care facility (Md. Code FL § 14-304).

#### **314.11 TRAINING**

The Agency should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.

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- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

## Discriminatory Harassment

<b>Effective Date:</b>	02/01/23
<b>Revised Date:</b>	REVIEWED--09/18/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent agency members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

### 315.2 POLICY

The Maryland Natural Resources Police is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Agency will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Agency will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Agency may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

Members of the Maryland Natural Resources Police are also responsible for complying with the [Department of Budget and Management's Anti-Bullying Policy](#).

### 315.3 DEFINITIONS

Definitions related to this policy include:

#### 315.3.1 DISCRIMINATION

The Agency prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

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## Policy Manual

### *Discriminatory Harassment*

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Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or agency equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to agency policy and to a work environment that is free of discrimination.

#### **315.3.2 RETALIATION**

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

#### **315.3.3 SEXUAL HARASSMENT**

The Agency prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

#### **315.3.4 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Maryland Commission on Civil Rights guidelines.
- (b) Bona fide requests or demands by a supervisor that a member improve the member's work quality or output, that the member report to the job site on time, that the member comply with State or agency rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### **315.4 RESPONSIBILITIES**

This policy applies to all agency members, who shall follow the intent of these guidelines in a manner that reflects agency policy, professional standards, and the best interest of the Agency and its mission.



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### *Discriminatory Harassment*

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Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. When appropriate, complaints may also be filed with the NRP HR Supervisor, DNR Office of Fair Practices, or the DNR Secretary.

Any member who believes, in good faith, that they have been discriminated against, harassed, subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### 315.4.1 PROCESSING COMPLAINTS OF DISCRIMINATION, HARASSMENT AND/OR RETALIATION

- (a) Except in those cases where the circumstances are settled directly between the victim and the alleged aggressor, the victim should complete the Discrimination and Harassment Incident Report (NRP-480) immediately after the incident occurred or is reported.
  - 1. In those instances where a victim fails to complete an NRP-480, and reports the incident to a supervisor or commander, the supervisor or commander shall ensure that an NRP-480 is completed.
- (b) Anytime a report of a discrimination or harassment incident is made to a supervisor or commander, he/she shall ensure that the incident is appropriately documented and filed in accordance with NRP and DNR procedures, state and federal laws.
- (c) Commanders shall forward a completed NRP-480 directly to:
  - 1. The NRP Internal Affairs Unit (IAU)
  - 2. The DNR Office of Fair Practices (OFP)
- (d) If some information is not known at the time the NRP 480 is filed, the form will still be forwarded immediately to IAU and OFP. A Memorandum (NRP-510) will be forwarded when the additional information is known. No copies of the NRP-480 will be made or retained by a supervisor or commander.
- (e) Both IAU and OFP will notify the submitting party when the original NRP-480 is received.
- (f) The OFP will follow their internal procedures to investigate any discrimination or harassment complaint. The OFP will keep IAIU informed of their investigation and they will notify IAIU of their findings.
- (g) Requests to review an NRP-480 in NRP's possession must be approved by the Superintendent.

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

#### 315.4.2 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, manager, a member of the NRP Fair Practices Committee, the NRP HR Supervisor, DNR Office of Fair Practices, or the DNR Secretary for further information, direction, or clarification.

#### 315.4.3 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

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- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to prevent, avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying their immediate supervisor in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### **315.4.4 SUPERVISOR'S ROLE**

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Agency and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

#### **315.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Agency that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

##### **315.5.1 SUPERVISOR RESOLUTION**

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable, or threatened or has difficulty expressing their concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

##### **315.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

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The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but not be limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

#### **315.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Agency. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

#### **315.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the Discrimination and Harassment Incident Report (NRP-480) and in a manner designated by this chapter. The outcome of all reports shall be:

- (a) Approved by the Superintendent, the DNR Office of Fair Practices, or the DNR Secretary, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule and the 1996 Black Officers Association (BOA)/DNR Consent Decree and associated documents.

#### **315.6.1 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

If the complaint of discrimination is investigated by NRP IAU, the IAU Commander will provide the complainant with the appropriate form notifying the complainant that the case has been concluded.

The involved employee will be notified of the closure and disposition by the IAU Commander using the Notice of Investigation Closure (NRP 865).

#### **315.7 TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that they have been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during their term with the Agency.

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All members shall receive biennial training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

#### **315.8 ADDITIONAL RESOURCES**

SP 2-302 Discrimination, harassment prohibited

SP 2-305 Reprisals for grievances, complaints, or other actions concerning State employment

## Missing Persons

<b>Effective Date:</b>	09/15/22
<b>Revised Date:</b>	REVIEWED--09/28/23
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--10/01/24	

### 316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations for which NRP is the lead investigating agency.

#### 316.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - A missing child who meets any of the following conditions (Md. Code FL § 9-402):

- (a) The child has not been the subject of a prior missing persons report.
- (b) The child suffers from a mental or physical handicap or illness.
- (c) The disappearance is of a suspicious or dangerous nature.
- (d) The person filing the report has reason to believe that the missing child may have been abducted.
- (e) The child has previously been the subject of a child abuse report filed with the state or a local law enforcement agency.
- (f) The missing child is under 17 years of age.
- (g) The missing child has not been located within 12 hours of the initial report.

**Missing child** - A person under the age of 18 who is the subject of a missing person report filed with a law enforcement agency in Maryland and whose location is unknown (Md. Code FL § 9-401).

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown.

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Maryland Center for Missing and Unidentified Persons (MCMUP) and the Maryland Electronic Telecommunications Enforcement Resource System (METERS).

### 316.2 POLICY

The Maryland Natural Resources Police does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-

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related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

#### **316.3 REQUIRED FORMS AND DNA COLLECTION KITS**

The Criminal Investigations Section shall ensure the following forms and kits are developed and available:

- The NRP-413, State of Maryland Missing Person Report
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (including the steps to be taken as set forth in Md. Code FL § 9-402 regarding missing children)
- Missing person school notification form
- Medical records release form
- Maryland State Police DNA collection kits

#### **316.4 ACCEPTANCE OF REPORTS**

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report (Md. Code FL § 9-402(e); Md. Code PS § 3-601).

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

When taking a missing person report, agency members shall use the NRP-413 (Md. Code PS § 3-602).

#### **316.5 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to the dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, **whether the person may be at risk as defined above.**
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 17 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 17 years of age or may be at risk.
- (e) Ensure that entries are made into CJIS/NCIC/METERS, as follows:

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1. Immediately, when the missing person is at risk as defined above (Md. Code FL § 9-402).
  2. In all other cases, as soon as practicable, **but not later than two hours** from the time of the initial report (34 USC § 41308).
- (f) Complete the appropriate report forms, including the NRP-413, accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
1. A photograph and fingerprint card of the missing person, if available.
  2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  3. Any documents that may assist in the investigation, such as court orders regarding custody.
  4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location (ping) through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) If the person qualifies for a Silver Alert, contact the Maryland State Police as soon as practicable.

#### 316.5.1 SPECIAL CIRCUMSTANCES

Upon determining that a missing child is at-risk, investigating officers, Criminal Investigation Section personnel, or supervisors shall immediately take the following additional steps as part of the investigation (Md. Code FL § 9-402):

- (a) Initiate search procedures, including the coordination of volunteer search teams.
- (b) Notify the National Center for Missing and Exploited Children.
- (c) Notify local departments and, if applicable, obtain any information that may help with locating the missing person.
- (d) Request the assistance of the Department of State Police, when appropriate.

See Procedure 400 regarding land-based search incidents.

#### 316.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as the NRP-413 is ready for review.



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#### **316.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but not be limited to:

- (a) Reviewing and approving the NRP-413 and related reports and forms upon receipt.
  - 1. The reports should be promptly be sent to the Communications Center so that the person can be entered into CJIS/NCIC/METERS without delay, and uploaded to the Records Management System.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that the missing person has been entered into CJIS/NCIC/METERS..
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

#### **316.6.2 COMMUNICATIONS CENTER RESPONSIBILITIES**

The responsibilities of the Communications Center supervisor shall include, but not be limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Criminal Investigations.
- (e) Ensuring the missing person has been entered into CJIS/NCIC/METERS and updating the missing person's CJIS/NCIC/METERS record with additional information obtained from the investigation (34 USC § 41308) as needed.

#### **316.7 CRIMINAL INVESTIGATIONS FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall coordinate the investigation with the Maryland State Police if a missing child has not been located within 24 hours and there is reason to believe the child may be located in another jurisdiction (Md. Code FL § 9-402(d)).
- (b) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph.

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2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (c) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (d) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (e) Shall verify and update MCMUP (Maryland Center for Missing and Unidentified Persons), CJIS/NCIC/METERS and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (h) Should make appropriate inquiry with the Medical Examiner.
- (i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Department of State Police and enter the photograph into applicable missing person networks (34 USC § 41308).
- (k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (l) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

#### **316.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned officer/investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Criminal Investigations Section or the Communications Center supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Maryland State Police.

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- (b) A missing child's school is notified.
- (c) Entries are made/removed in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MCMUP, CJIS/NCIC/METERS.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

#### **316.8.1 UNIDENTIFIED PERSONS**

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### **316.9 CASE CLOSURE**

The Criminal Investigations supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Maryland or this agency is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this agency is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

#### **316.10 TRAINING**

Subject to available resources, the supervisor of the Criminal Investigations Section should ensure that members of this agency whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
  - 1. Assessments and interviews
  - 2. Use of current resources, such as Mobile Audio Video
  - 3. Confirming missing status and custody status of minors
  - 4. Evaluating the need for a heightened response

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5. Identifying the zone of safety based on chronological age and developmental stage
  - (b) Briefing of agency members at the scene.
  - (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
  - (d) Verifying the accuracy of all descriptive information.
  - (e) Initiating a neighborhood investigation.
  - (f) Investigating any relevant recent family dynamics.
  - (g) Addressing conflicting information.
  - (h) Key investigative and coordination steps.
  - (i) Managing a missing person case.
  - (j) Additional resources and specialized services.
  - (k) Update procedures for case information and descriptions.
  - (l) Preserving scenes.
  - (m) Internet and technology issues (e.g., Internet use, cell phone use).
  - (n) Media relations.
  - (o) Land-based search incidents.

## Public Alerts

### 317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid, when appropriate.

### 317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 317.3 RESPONSIBILITIES

#### 317.3.1 MEMBER RESPONSIBILITIES

Members of the Maryland Natural Resources Police should notify their supervisor, Duty Officer or Criminal Investigations Section as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify, through the chain of command, the Superintendent and the Public Information Officer prior to any public alert being generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts.
- (b) Canceling alerts.
- (c) Ensuring all appropriate reports are completed.

### 317.4 AMBER ALERT

The AMBER Alert™ Program is used to provide a statewide system for the rapid dissemination of information regarding abducted children.

#### 317.4.1 CRITERIA

The following criteria are utilized to determine if an AMBER Alert should be issued:

- (a) There is confirmation that the child has been abducted.
- (b) The child is under the age of 18.
- (c) The circumstances surrounding the abduction indicate that the child is in danger of serious bodily harm or death.

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### *Public Alerts*

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- (d) There is enough descriptive information about the child, abductor and/or suspect's vehicle to believe an immediate broadcast alert will help.
- (e) The child is believed to still be in the broadcast area.
- (f) The child's name and other critical elements have been entered into the National Crime Information Center (NCIC).

#### **317.4.2 PROCEDURE**

After verifying a report that a child has been abducted and is in danger of serious bodily harm, the investigating officer shall:

- (a) Immediately notify their Duty Officer/supervisor.
- (b) After confirming that the AMBER Alert criteria have been met, the Special Operations Duty Officer shall ensure the Maryland State Police (MSP) headquarters duty officer is contacted to request an AMBER Alert activation.
- (c) Provide all necessary information to the MSP Missing Child Recovery Unit.
- (d) Be prepared to follow up the verbal request with a written request made via fax to the MSP headquarters duty officer.

#### **317.5 BLUE ALERT**

The National Blue Alert System™ is used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer (Md. Code PS § 3-605).

##### **317.5.1 CRITERIA**

The following criteria are utilized to determine if a Blue Alert should be issued:

- (a) An officer must have been killed or seriously injured by an offender.
- (b) It has been determined that the offender poses a serious risk or threat to the public and other law enforcement personnel.
- (c) A detailed description of the offender's vehicle, vehicle tag or partial tag must be available for broadcast to the public.

##### **317.5.2 PROCEDURE**

The following are the procedures for a Blue Alert:

- (a) Upon confirmation of the Blue Alert criteria, the Special Operations Duty Officer shall ensure contact is made with the MSP Duty Officer and recommend activation of the Blue Alert.
- (b) Once this agency apprehends a missing offender who is the subject of a Blue Alert, the Criminal Investigation Section shall immediately notify the MSP and any law enforcement agency that filed the report resulting in the Blue Alert that the missing offender has been apprehended (Md. Code PS § 3-605).

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#### **317.6 SILVER ALERT**

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who has a cognitive disorder (Md. Code PS § 3-604).

##### **317.6.1 CRITERIA**

The following criteria are utilized to determine if a Silver Alert should be issued:

- (a) The whereabouts of a person at least 60 years old is unknown.
- (b) The person suffers a cognitive impairment, including a diagnosis of Alzheimer's disease or dementia to the extent that the individual requires assistance from a caregiver.
- (c) The disappearance poses a credible threat to the health and safety of the person due to age, health, mental or physical disability, and environment or weather conditions, as determined by this agency.
- (d) The person is traveling in a vehicle and there is enough descriptive information about the missing person and the vehicle to issue an alert.
- (e) The Agency has already activated a local or regional alert by contacting media outlets in the jurisdiction and the missing person has been entered into NCIC.

##### **317.6.2 PROCEDURE**

The following are the procedures for a Silver Alert:

- (a) Upon confirmation of the Silver Alert criteria, the supervisor in charge of the Special Operations Duty Officer shall ensure that contact is made with the MSP headquarters duty officer and request a Silver Alert.
- (b) Once the Agency confirms that the missing person has been located, Criminal Investigations Section shall notify the MSP that the missing person has been located.

#### **317.7 YELLOW ALERT**

Yellow Alerts are used to provide a statewide system for the rapid dissemination of information regarding a suspect in a hit-and-run involving serious injury or death (Md. Code PS § 3-606).

##### **317.7.1 CRITERIA**

The following criteria are utilized to determine if a Yellow Alert should be issued:

- (a) The whereabouts of a person suspected of leaving the scene of an accident involving serious bodily injury or death are unknown (Md. Code TR § 20-102).
- (b) The suspect's vehicle can be described, including any information about the vehicle's license plate number.

##### **317.7.2 PROCEDURE**

The following are the procedures for a Yellow Alert:

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- (a) Upon confirmation of the Yellow Alert criteria, the Special Operations Duty Officer shall ensure contact is made with the MSP headquarters duty officer and request a Yellow Alert.
- (b) Once the Agency confirms that the vehicle or suspect has been located, Criminal Investigations Section shall notify the MSP.

### **317.8 LOCAL MEDIA ALERT**

#### **317.8.1 CRITERIA**

A local media alert should be used for the rapid dissemination of information to assist in finding a missing person regardless of whether the criteria for a state alert are met.

#### **317.8.2 PROCEDURE**

Regardless of whether a public alert is activated, the following procedures to alert the media and other local law enforcement agencies should be followed:

- (a) The Public Information Officer (PIO) will prepare an initial press release that includes all available information that might aid in locating a child, suspect or missing person, such as:
  - 1. The person's identity, age and description.
  - 2. A photograph, if available.
  - 3. Pertinent vehicle description.
  - 4. Details regarding the location of the incident, last known direction of travel and potential destinations, if known.
  - 5. The name and contact number of the PIO or other authorized media liaison.
  - 6. A contact number for the public to call with leads or information.
- (b) The press release should be transmitted to local television and radio stations.
- (c) The information in the press release should also be forwarded to local law enforcement agencies.
- (d) The activating official or other individual responsible for making notifications shall prepare and transmit to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the person identified in the public alert.

The PIO is responsible for providing relevant updates to the supervisor in charge of the investigation.



## Victim and Witness Assistance

### 318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 318.2 POLICY

The Maryland Natural Resources Police is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Maryland Natural Resources Police will show dignity, respect, courtesy, sensitivity, compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### 318.3 CRIME VICTIMS AND WITNESSES

Officers on first contact shall provide all victims or victim's representative with the applicable victim information handout, found here: [Crime Victims and Witnesses: Your Rights and Services](#) (Md. Code CP § 11-104).

Officers should never guarantee a victim's or witness' safety from future harm but should take reasonable safety precautions and make practical safety suggestions to victims who express fear of future harm or retaliation (Md. Code CP § 11-1002(b)(4)).

Officers should provide a separate area away from suspects or the family and friends of suspects during an investigation and should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but should direct him/her to the proper written agency material or available victim resources (Md. Code CP § 11-1002).

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

#### 318.3.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

When interacting with individuals suspected of being or claiming to be victims of sexually assaultive behavior as defined by Md. Code CJ § 10-923, members should not present to the victim any form purporting to (Md. Code CP § 11-929):

- (a) Relieve the Agency of any obligation to the victim.
- (b) Preclude or define the scope of the investigation.
- (c) Prevent or limit a prosecution of an act allegedly committed against the victim.
- (d) Limit a victim's private right of action pertaining to an act allegedly committed against the victim or the victim's interaction with the Agency.

If such a victim requests the investigation be suspended or limited in scope, the responding member should thoroughly document that request and follow-up according to the practices recommended by the MPTSC (Md. Code CP § 11-929).

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### *Victim and Witness Assistance*

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#### **318.4 VICTIM AND WITNESS INFORMATION**

The Support Services Bureau Commander shall ensure that victim and witness information handouts ([Crime Victims and Witnesses: Your Rights and Services](#)) are available and current. These should include as appropriate (Md. Code CP § 11-1002):

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Crisis intervention help, including medical treatment, creditor intervention services, counseling or other social services.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Md. Code CP § 11-925).
- (d) Contact information for the Maryland Sex Offender Alert Line.
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Available compensation for qualifying victims of crime (Md. Code CP § 11-916).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) The victim's right, upon written request, to the following:
  - (a) To be kept reasonably informed of the arrest of a suspect and closing of the case.
  - (b) Which office to contact for information about the case.
  - (c) For victims of a violent crime, to be notified and updated on matters related to a suspect's DNA profile pursuant to Md. Code CP § 11-104.
- (l) The right to have stolen or other property promptly returned and, upon written request, should have the property promptly returned when evidentiary requirements for prosecution can be satisfied by other means, unless there is a compelling law enforcement reason for keeping it.
- (m) A place for the officer's name, badge number and any applicable case or incident number.
- (n) How a victim may keep the victim's address confidential (Md. Code SG § 7-303; Md. Code SG § 7-304).
- (o) Maryland Electronic Courts (MDEC) system for requesting and receiving notices electronically, if applicable (Md. Code CP § 11-104).

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### *Victim and Witness Assistance*

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- (p) How to request information regarding an unsolved case (Md. Code CP § 11-104).

#### **318.4.1 CONFIDENTIAL INFORMATION**

The Agency, on request of the state, may withhold the address or telephone number of the victim, victim's representative, witness to a felony, domestically related crime, or other covered crime before the trial or adjudicatory hearing in a juvenile delinquency proceeding, unless a judge determines that good cause has been shown for the release of the information (Md. Code CP § 11-205).

#### **318.5 TRAINING**

Subject to available resources, the Commander of the Training Unit should provide training to members of the Agency through academy training, in-service, or training bulletins related to victim and witness notification requirements.

## Hate Crimes

<b>Effective Date:</b>	10/25/21
<b>Revised Date:</b>	REVIEWED--05/30/24
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--06/01/25	

### 319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this agency with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

#### 319.1.1 DEFINITIONS

Definitions related to this policy include:

**Hate crime** - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim. This includes other characteristics protected under state law (e.g., homelessness, sex) (Md. Code CR § 10-304).

### 319.2 POLICY

The Maryland Natural Resources Police recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitutions and incorporated in state and federal law.

### 319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this agency is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.
- (b) Providing victim assistance, community follow-up or identifying available resources.
- (c) Educating community and civic groups about hate crime laws.

### 319.4 INVESTIGATIONS

Whenever any member of this agency receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.

# Maryland Natural Resources Police

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### *Hate Crimes*

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- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.
- (f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports will utilize "Hate Crime" as the report type and make entry into the "specify bias motivation section" under offense details tab of the RMS report.
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid protective order through the courts or Attorney General.
- (j) The assigned officer should coordinate further investigation with the appropriate prosecutor and other appropriate law enforcement agencies.
- (k) The assigned officer should maintain contact with the victim and other involved individuals, as needed.

#### 319.4.1 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

- (a) Maintaining statistical data and tracking of suspected hate crimes, as indicated.

#### **319.5 TRAINING**

All members of this agency should receive training on hate crime recognition and investigation.

# Standards of Conduct

## **320.1 PURPOSE AND SCOPE**

This policy establishes standards of conduct that are consistent with the values and mission of the Maryland Natural Resources Police and are expected of all agency members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this agency or a member's supervisors.

## **320.2 POLICY**

The continued employment or appointment of every member of this agency shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

## **320.3 DIRECTIVES AND ORDERS**

Members shall comply with lawful directives and orders from any agency supervisor or person in a position of authority, absent a reasonable and bona fide justification.

### **320.3.1 UNLAWFUL OR CONFLICTING ORDERS**

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or agency policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, agency policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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### *Standards of Conduct*

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#### **320.3.2 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

#### **320.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Maryland constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

#### **320.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient agency service:

##### **320.5.1 LAWS, RULES AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in agency or State manuals.
- (b) Disobedience of any legal directive or order issued by any agency member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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#### 320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Maryland Natural Resources Police in any way that could reasonably be perceived as an attempt to gain influence or authority for nonagency business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this agency and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Failure to report to their supervisor any offer, or attempt to offer, of money, gift, or other gratuity made in an effort to influence their official conduct.
- (h) Any other failure to abide by the standards of ethical conduct.

#### 320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, medical condition, genetic information, immigration status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

#### 320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Per **CR § 3-314 An officer may not engage in sexual contact, vaginal intercourse, or a sexual act with a person:**
  - 1. **who is a victim, witness, or suspect in an open investigation that the law enforcement officer is conducting, supervising, or assisting with if the law enforcement officer knew or should have known that the person is a victim, witness, or suspect in the investigation;**
  - 2. **requesting assistance from or responding to the law enforcement officer in the course of the law enforcement officer's official duties; or**
  - 3. **in the custody of the law enforcement officer.**



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4. **1 and 2 do not apply if the law enforcement officer:**
- (a) **had a prior existing legal sexual relationship with the person; and**
  - (b) **did not act under the color or pretense of office or under color of official right when seeking consent to the vaginal intercourse, sexual act, or sexual contact.**
  - (d) **Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.**
  - (e) **Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this agency.**
  - (f) **Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this agency.**

#### 320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without a reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse.

#### 320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this agency.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this agency for personal or financial gain or without the express authorization of the Superintendent or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any agency property for personal use, personal gain, or any other improper or unauthorized use or purpose.

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- (e) Using agency resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

#### 320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) All essential employees shall have either a working telephone in their residence or a working cellular telephone where they can be reached while off-duty.
- (f) Failure to notify the Agency within 24 hours of any change in residence address or contact numbers.
- (g) Failure to notify the Agency within 24 hours of any change in residence address or contact numbers.

#### 320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any agency record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any agency-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this agency or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this agency or subverts the good order, efficiency, and discipline of this agency or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

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1. While on agency premises.
  2. At any work site, while on-duty or while in uniform, or while using any agency equipment or system.
  3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
1. Unauthorized attendance while on-duty at official legislative or political sessions.
  2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty, on agency property, or while in any way representing themselves as members of this agency, except as expressly authorized by State policy, the collective bargaining agreement or memorandum of understanding, or the Superintendent (Md. Code PS § 3-110).
- (h) Engaging in political activities during assigned working hours except as expressly authorized by State policy, the collective bargaining agreement or memorandum of understanding, or the Superintendent (Md. Code PS § 3-110).
- (i) Any act on- or off-duty that tends to bring discredit to this agency.

#### 320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful police officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this agency or the State.
- (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this agency.
- (i) Unauthorized possession of, loss of, or damage to agency property or the property of others, or endangering it through carelessness or maliciousness.

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- (j) Attempted or actual theft of agency property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of agency property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement, including fraud in securing the appointment or hire.
- (l) Violating the State's Bullying in the Workplace Policy.
- (m) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming a member of this agency, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this agency or its members.

#### 320.5.10 SAFETY

- (a) Failure to observe or violating agency safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (d) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (e) Any personal action contributing to a preventable traffic accident.
- (f) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable or as mandated by policy.

#### 320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

## Information Technology Use

### 321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of agency information technology resources, including computers, electronic devices, hardware, software and systems.

#### 321.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Maryland Natural Resources Police and the Maryland Department of Natural Resources that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Agency or Department or agency funding.

**Hardware** - Includes, but is not limited to, computers, network equipment, electronic devices, telephones, including cellular and satellite, or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications including "shareware." This does not include files created by the individual user.

**Files** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

### 321.2 POLICY

It is the policy of the Maryland Natural Resources Police that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Agency in a professional manner and in accordance with this policy. All NRP employees shall abide by the State's Information Technology Security Policy and Standards.

### 321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, files, or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any agency computer system.

The Agency reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Agency, including the agency e-mail system, computer network or any information placed into storage on any agency system or device. This includes records of all keystrokes or web-browsing history made at any agency computer or over any agency network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through agency computers, electronic devices or networks.

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### *Information Technology Use*

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Although the Agency may not require access to a member's personal accounts, it may require a member to disclose a username, password, or other means for accessing non-personal accounts or services that provide access to agency computer or information systems (Md. Code LE § 3-712(b)).

#### **321.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to a supervisor.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **321.4.1 SOFTWARE**

If software needs to be installed, members shall contact the Department of Information Technology or the LETech Section.

When related to the performance of duties, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Department of Information Technology or the LETech Section.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Agency while on agency premises, computer systems or electronic devices. Such unauthorized use of software exposes the Agency and involved members to severe civil and criminal penalties.

##### **321.4.2 HARDWARE**

Access to technology resources provided by or through the Agency shall be strictly limited to agency-related activities. Data stored on or available through agency computer systems shall only be accessed by authorized members in the performance of their duties, or who otherwise have a legitimate law enforcement or agency-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

##### **321.4.3 INTERNET USE**

Internet access provided by or through the Agency should be limited to agency-related activities. Internet sites containing information that is not appropriate or applicable to agency use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the Internet shall be limited to messages, mail and data files.

#### **321.5 PROTECTION OF SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and

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### *Information Technology Use*

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maintenance of the computer system. Computers are not to be stored in vehicles or on vessels. They shall be removed at the end of each shift.

Members shall ensure agency computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Members may not use any devices or application to circumvent the unattended locking of the computer. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Passwords shall be changed at system required intervals.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

#### **321.6 ACCESS TO COMMUNICATIONS CENTER COMPUTER SYSTEMS**

For purposes of this procedure the Communications Center computer systems include the following:

- (a) BARD
- (b) CAD
- (c) CommandBridge
- (d) DeltaPlus
- (e) LInX
- (f) METERS/CJIS
- (g) RMS
- (h) MOBILE CAD
- (i) Avigilon Video
- (j) Door Access

In order to ensure the integrity of the various computer systems within the Natural Resources Police, the following procedures shall be adhered to:

- (a) Commanders shall fill out the NRP Computer Systems Access Change Request on the LETech Support and Area websites for their personnel who need access to or need to have their access removed from the above-listed 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 notifying them that the work has been completed.

The NRP Computer Systems Access Change Request must also be completed by a Commander when:

- (a) Employees are separating their employment with the Agency.
- (b) An officer has had their police powers suspended.

## Report Preparation

<b>Effective Date:</b>	01/17/22
<b>Revised Date:</b>	REVIEWED--01/11/24
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--02/01/25	

### 322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Agency who complete investigations and reports as a part of their duties.

### 322.2 POLICY

It is the policy of the Maryland Natural Resources Police that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

### 322.3 EXPEDITIOUS REPORTING

An incomplete report, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

### 322.4 REPORT PREPARATION

- A. Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports within 24 hours of the incident unless permission to hold the report has been approved by a supervisor (Md. Code PS § 3-514).
- B. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.
- C. Incident reports are to be reviewed and approved by a supervisor within 72 hours. Disapproved reports shall be corrected and resubmitted by the end of the member's next shift, then reviewed and approved by a supervisor by the end of the supervisor's next shift following the date the member re-submitted the report.
- D. All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Members shall not suppress, conceal, or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.
- E. Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should disapprove the report with comments.



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### *Report Preparation*

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- F. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.
- G. Reports that have been approved by a supervisor shall not be modified or altered except by way of a supplemental report.
- H. Reviewed reports that have not yet been approved may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

#### **322.4.1 HANDWRITTEN OR TYPED REPORTS**

County, state and federal agency forms may be block printed unless the requirement for typing is apparent. Supervisors may require block printing or typing of reports of any nature for agency consistency.

Generally, reports will be submitted through the Records Management System (RMS).

In general, reports should be typed.

#### **322.4.2 ELECTRONIC SIGNATURES**

The password the member uses to log on to an agency computer is their electronic signature, as logging onto such a device would not be possible without the password.

### **322.5 REQUIRED REPORTING**

In all of the following situations, members shall complete reports using the appropriate agency-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

#### **322.5.1 CRIMINAL ACTIVITY**

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests.
- (b) All felony crimes.
- (c) Non-felony incidents involving threats or stalking behavior.
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy.
  - 2. Domestic Violence Policy.
  - 3. Child Abuse Policy.
  - 4. Adult Abuse Policy.
  - 5. Hate Crimes Policy.

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#### 6. Suspicious Activity Reporting Policy.

- (e) All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented with a CAD entry.

#### 322.5.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes:

- (a) Any found property or found evidence.
- (b) All protective custody and welfare detentions.
- (c) Any time a person is reported missing (see the Missing Persons Policy).
- (d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (e) Suspicious incidents that may place the public or others at risk.
- (f) Any use of force by members of this agency against any person (see the Use of Force Policy and Blue Team manual).
- (g) Any firearm discharge (see the Firearms Policy, Use of Force policy, and Blue Team manual).
- (h) Any time a member points a firearm at any person (see the Use of Force policy and Blue Team manual).
- (i) Any traffic accidents above the minimum reporting level (see the Traffic Accidents Policy).
- (j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.
- (k) Boating accidents, when the accident involves one or more of the following conditions:
  - 1. Death or Disappearance of a person.
  - 2. Personal injury of a person involved in the accident.
  - 3. Property Damage in excess of \$2,000.00.
  - 4. Complete Loss of a vessel.
- (l) Medical incidents, when provided medical treatment, transport, or investigation by a Natural Resources Police Officer.
- (m) Vessel excise tax incidents.
- (n) Maryland Wildlife Crime Stopper complaints.
- (o) Wildlife Permit Inspections.
- (p) Hunting accidents with no injuries--the NRP-403A ("Hunting Related Accident Investigation – Short Form") will be completed in addition to an RMS report.

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#### 322.5.3 MISCELLANEOUS INJURIES

Any injury that is reported to this agency shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) There is an attempted suicide
- (c) The injury is major or serious, and potentially fatal.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.
- (e) Hunting involved accidents--members will use the RMS Hunting Related Accident Template.

#### 322.5.4 DEATHS

Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

- (a) Unattended deaths (no physician or qualified hospice care during the period preceding death)
- (b) Sudden, accidental or suspicious deaths
- (c) Suicides
- (d) Homicide or suspected homicide
- (e) Found dead bodies or body parts

#### 322.5.5 STATE PERSONNEL OR PROPERTY

Incidents involving State personnel or property shall require a report when:

- (a) An injury occurs as the result of an act of a State employee or on State property.
- (b) There is damage to State property or equipment (see Blue Team manual).

#### 322.5.6 RMS OFFICER'S DAILY LOG

The RMS Officer's Daily Log is to be completed daily by officer holding the rank of Sergeant and below, if related to field operations activities or investigations. Officers not assigned to Field Operations are exempt for completing the RMS Officer's Daily Log.

### **322.6 STATE REPORTING REQUIREMENTS**

#### 322.6.1 TEMPORARY DETENTION OR INVESTIGATIVE STOP SEARCHES & DOCUMENTATION

- A. Per CR 4-206, if an officer, in light of the officer's observations, information, and experience, reasonably believes that:
  - 1. the person may be wearing, carrying, or transporting a handgun in violation of CR 4-203;

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2. because the person possesses a handgun, the person is or presently may be dangerous to the officer or to others;
3. under the circumstances, it is impracticable to obtain a search warrant; and
4. to protect the officer or others, swift measures are necessary to discover whether the person is wearing, carrying, or transporting a handgun;
5. and the officer conducts a subsequent search or seizure based on the beliefs listed above, the officer shall, within 24 hours of the incident:
  - (a) Complete an RMS report;
  - (b) Complete an MSP-97, Stop and Frisk Report (found in the 400-series forms folder in the NRP common drive), and upload the MSP-97 to the RMS report as an attachment;
  - (c) Email the completed MSP-97 to: [msp.handgunpermits@maryland.gov](mailto:msp.handgunpermits@maryland.gov), and
  - (d) Note in the RMS report that this requirement was completed.

#### **322.7 FIELD ARRESTS**

A field arrest will be completed in the RMS system any time a suspect is taken into physical custody. This includes DUIs, OWIs and other instances where a suspect is transported but not taken before a commissioner. A field arrest is not required for an investigative detention.

## Media Relations

### 323.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official agency information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 323.2 POLICY

It is the policy of the Maryland Natural Resources Police to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

### 323.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Superintendent. In situations not warranting immediate notice to the Superintendent and in situations where the Superintendent has given prior approval, the Public Information Officers (PIOs) and the Superintendent's designee may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

The PIO will review the CAD and will reach out to the relevant Captain for details about certain cases the PIO deems may be of public interest. Certain cases deserve a phone call or immediate notification to the officer involved. These cases include, but are not limited to:

- (a) Rescues,
- (b) Missing persons,
- (c) Rapidly-evolving incidents/investigations, and/or
- (d) Incidents where public safety could be in question.

When reporting incidents that may be newsworthy or of public interest to the PIO, the reporting member should relay the details through email to the PIO and CC the applicable supervisor/commander(s). For certain cases, a phone call from the member to the PIO may be appropriate. Note that in these cases, the member should make every effort to notify the applicable supervisor/commander(s).

If press or the PIO is requested for an assignment, the requestor should notify the PIO at least one week in advance where possible, so preparation and notifications can be made.

Nothing in this policy changes or modifies the expectation or procedure for notifications to be made to senior staff for major incidents as described in POLICY 326, "Major Incident Notification".

The NRP 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.

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### *Media Relations*

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In incidents involving the implementation of the Emergency Operations Plan, the On-Scene/ Incident Commander will determine the need for assistance with the media. Depending on the situation the NRP PIO may respond to the emergency scene to provide media assistance.

- (a) The NRP 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 PIO will immediately liaison with the MEMA/DHS PIO for additional guidance as well as inform the Director of OCM.

#### 323.3.1 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.

#### 323.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of agency members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Superintendent.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Superintendent will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

#### 323.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO. The PIO may authorize a member to make a statement to the media.

Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this agency make any comment or release any official information to the media without prior approval from the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this agency.
- (c) Under no circumstance should any member of this agency make any comment to the media regarding any law enforcement incident not involving this agency without prior approval of the Superintendent. Under these circumstances the member should direct the media to the agency handling the incident.

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### *Media Relations*

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#### **323.6 ACCESS**

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.
  - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
  - 2. Direct access by media representatives may be allowed only after the scene has been released by the officer in charge of the investigation.
- (c) Media interviews with individuals who are in custody should not be permitted without the approval of the Superintendent and the express written consent of the person in custody.
- (d) No member of this agency who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

Photographing, recording and televising:

- (a) 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 PIO on-duty will set up a location for the media to take pictures and interview DNR and NRP personnel.
- (b) Officers will take protective measures in covering an injured or deceased body or animal, in order to prevent photographing or televising.
- (c) Suspects or accused persons in custody shall not be deliberately posed for photographs, telecasts, or interviews.

#### **323.6.1 CRITICAL OPERATIONS**

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Agency members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through the PIO.

#### **323.6.2 TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting

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### *Media Relations*

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a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through a supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

#### **323.7 CONFIDENTIAL OR RESTRICTED INFORMATION**

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

##### **323.7.1 EMPLOYEE INFORMATION**

The identities of officers involved in shootings or other critical incidents may only be released to the media at the discretion of the Superintendent or upon a formal request filed and processed in accordance with the Maryland Public Information Act (see the Records Maintenance and Release Policy). The involved officer should be notified prior to the release.

Any requests for copies of related reports or additional information including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO or the Custodian of Records. Such requests will be processed in accordance with the provisions of the Maryland Public Information Act (see the Records Maintenance and Release Policy).

#### **323.8 RELEASE OF INFORMATION**

The Agency may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the agency website or other electronic data sources.



## Subpoenas and Court Appearances

### 324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for agency members who must appear in court. It will allow the Maryland Natural Resources Police to cover any related work absences and keep the Agency informed about relevant legal matters.

### 324.2 POLICY

Agency members will respond appropriately to all subpoenas and any other court ordered appearances.

### 324.3 SUBPOENAS

#### 324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the Attorney General or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the State or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Maryland Natural Resources Police.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Maryland Natural Resources Police.

The supervisor will then notify the Superintendent and the appropriate prosecuting attorney as may be indicated by the case. The Superintendent should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### 324.3.2 CIVIL SUBPOENA

The Agency will compensate members who appear in their official capacity on civil matters arising out of their official duties, as directed by the current collective bargaining agreement or memorandum of understanding.

The Agency should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

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### *Subpoenas and Court Appearances*

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#### **324.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

#### **324.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

#### **324.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Agency.

Members are required to remain on standby until released by the court or the party that issued the subpoena.

#### **324.6 COURTROOM PROTOCOL**

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

Members shall dress in the Class B uniform or business attire.

Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

##### **324.6.1 TESTIMONY**

Before the date of testifying, the subpoenaed member shall review relevant reports and become familiar with the content in order to be prepared for court.

#### **324.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with state law and the current collective bargaining agreement or memorandum of understanding.

## Outside Agency Assistance

### 325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 325.2 POLICY

It is the policy of the Maryland Natural Resources Police to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this agency.

Current agreements can be found in Policy 103, or within the common drive.

### 325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the supervisor for approval. Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this agency, the Duty Officer may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this agency.

Arrestees may be temporarily detained by this agency until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this agency will not ordinarily be booked by this agency. Only in exceptional circumstances, and subject to supervisor approval, will this agency provide transportation of arrestees on behalf of another agency.

When transportation assistance is rendered, the officer should complete a field arrest report and a CAD entry.

#### 325.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Maryland Natural Resources Police shall notify a supervisor and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 325.4 REQUESTING OUTSIDE ASSISTANCE

When assistance is needed from another agency, the requesting member may make that request through the communications center or directly to the other agency. The handling member or

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### *Outside Agency Assistance*

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dispatcher should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

#### **325.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities shall be documented in a CAD entry or RMS incident report as appropriate.

#### **325.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Bureau Chief or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  - 1. The use of the supplies and equipment.
  - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to and maintained by the Office of the Superintendent to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The agency should maintain documentation that the appropriate members have received the required training.

## Major Incident Notification

<b>Effective Date:</b>	10/25/21
<b>Revised Date:</b>	REVIEWED--04/23/24
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--05/01/25	

### 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Maryland Natural Resources Police in determining when, how and to whom notification of major incidents will be made.

### 326.2 POLICY

The Maryland Natural Resources Police recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this agency to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 326.3 CRITERIA FOR NOTIFICATION

The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive, nor exhaustive:

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification);
- Death or serious injury to a person caused by an officer on or off duty;
- Shootings, stabbings & crimes with substantial injuries;
- Deaths with the potential to be deemed criminal in nature (i.e., suspicious/unusual deaths) or involve juvenile victims;
- Vehicle pursuits resulting in serious crashes, injuries, or death;
- Large-scale demonstrations;
- Any incident that requires the dedication of resources from other areas/units for an extended period of time;
- All boating and hunting fatalities or serious injuries where death is likely or imminent;
- Homicides, suspicious deaths or deaths related to law enforcement activity;
- Vulnerable Population: Incidents where children, the elderly, or minority communities are targeted, including racial incidents;
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults;
- Missing children or endangered missing adults;
- Serious in-custody injuries or deaths;

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### *Major Incident Notification*

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- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death;
- Traffic accidents with fatalities or severe injuries;
- Death of a prominent Maryland official;
- Significant injury or death to a member of the Agency, whether on- or off-duty, including ALL incidents where a member of the Agency is transported to the hospital, no matter how minor the injury may be;
- Arrest of a member of the Agency, another law enforcement agency, or prominent Maryland official, government employee or notable figure;
- Serious equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services;
- Serious incidents resulting in significant property damage to state property;
- Any other incident, which has or is likely to attract significant media attention. These incidents could be generated by an operational or personnel-related action (pursuit, use of force, social media post, etc.), and
- Anything an Area/Unit Commander considers critical.

The goal is for the timely notification up the chain of command about the critical and sensitive incident. Early/initial notifications need only contain basic information; detailed, vetted information is expected later when the incident is stabilized, if appropriate.

Timely notifications should not come at the expense of commanders and supervisors handling the initial emergency. The preservation of life, the public's safety, and officers' safety should not be risked at the expense of this notification protocol.

#### **326.4 INCIDENT NOTIFICATION**

The supervisor accountable for overseeing a significant incident shall determine if a Command Notification should be sent by determining if the incident meets one (or more) of the criteria listed above. If it does, a Command Notification will be sent, and the member will follow Procedure 304, "Command Notifications". If unsure, the member will err on the side of caution and send the Command Notification.

Members sending Command Notifications should ensure notification is factual, correct and free of errors. If a correction needs to be made after the Command Notification was sent, follow Procedure 304.

The Special Operations Division (SOD) Duty Officer shall be responsible for text messaging the following notifications to the Maryland State Police (MSP) State Duty Officer for dissemination to state level executive leadership:

- (a) Any incident involving death or serious injury (this includes, but is not limited to, homicides, vehicle accidents, industrial accidents, fires, and other serious accidents)
- (b) Missing persons

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### *Major Incident Notification*

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- (c) Suspicious incidents that are newsworthy

#### **326.5 DUTY OFFICER RESPONSIBILITIES**

The Duty Officer, commander, or supervisor in charge of the incident, is responsible for completing the Command Notification form, submitting it, and updating it (if appropriate). If SOD is involved, the Area Duty Officer or supervisor in charge should determine if SOD will update the Command Notification, if such a follow-up notification is necessary. If so, the SOD duty officer will update the Command Notification by following Procedure 304.

##### **326.5.1 INVESTIGATOR NOTIFICATION**

If the incident requires that an investigator respond from home, the immediate supervisor of the involved District/Area, or the Duty Officer should contact the SOD Duty Officer to make that request.

##### **326.5.2 PUBLIC INFORMATION OFFICER NOTIFICATIONS**

The Agency Public Information Officer should generally be included on all Command Notifications. Either the on-scene supervisor, Duty Officer or SOD Duty Officer should update the Command Notification & PIO as appropriate.

##### **326.5.3 MARYLAND PARK SERVICE NOTIFICATIONS**

The Maryland Park Service (MPS) should be notified anytime an incident that meets the criteria listed above occurs on, or near, state land. If unsure, error on the side of caution and include the MPS in the notification.

## Death Investigation

### 327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

### 327.2 POLICY

It is the policy of the Maryland Natural Resources Police to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, investigated and properly documented. All death investigations should be treated as a homicide until the investigation proves otherwise (e, g., medical, suicide, accident).

### 327.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the SOD Duty Officer as necessary. The Duty Officer will make notification to command staff in accordance with the Major Incident Notification Policy.

#### 327.3.1 REPORTING

All incidents involving a death shall be documented on the appropriate forms.

#### 327.3.2 MEDICAL EXAMINER REQUEST

Officers are not authorized to pronounce death. The Medical Examiner shall be called in all unattended, sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Medical Examiner and the State's Attorney for the county where the body was found be notified and given the known facts concerning the time, place, manner and circumstances of the death in any of the following cases (Md. Code HG § 5-308):

(a) If the death occurred:

1. By violence.
2. By suicide.
3. By casualty.
4. Suddenly, if the deceased was in apparent good health or unattended by a physician.
5. In any suspicious or unusual manner.



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### *Death Investigation*

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- (b) If the death of a human fetus:
  - 1. Occurred before the complete expulsion or extraction of the fetus from the mother when the mother was not attended by a physician at or after the delivery, regardless of the duration of the pregnancy.

#### 327.3.3 SEARCHING FOR DEAD BODIES

- (a) The Medical Examiner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body. Field officers are permitted to remove a body from the water or marine wreckage to the nearest secure shoreside location for examination by the Medical Examiner or investigator. Officers moving a body from the scene of an accident should document the method used to secure and move the body and relay that information to the Medical Examiner and investigator. Photographs if possible, should be taken prior to the moving of a deceased person if applicable.
- (b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or his/her assistant shall be promptly notified.
- (c) The Medical Examiner, with the permission of the Agency, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.
- (d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or his/her assistant, the investigating officer should first obtain verbal consent from the Medical Examiner or his/her assistant when practicable.
- (e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Medical Examiner or his/her assistant. The name and address of this person shall be included in the narrative of the death report.
- (f) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or his/her assistant, a receipt shall be obtained. This receipt shall be attached to the RMS report.

#### 327.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Criminal Investigations Section shall be notified through the SOD Duty Officer to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Duty Officer or Criminal Investigations Section personnel is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

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### *Death Investigation*

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The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

Homicides that occur on State Managed Lands on Maryland's waterways are sometimes investigated jointly by local law enforcement or with the Maryland State Police. The details of who will investigate a homicide in these circumstances will be worked out at the initial point of the investigation with the on-scene supervisor/commander, a member of the Criminal Investigations Section and the applicable other law enforcement agency.

#### **327.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES**

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information. If this occurs aboard a commercial vessel, the U.S. Coast Guard shall also be notified, in accordance with the current Inter-Agency Agreement.

#### **327.4 UNIDENTIFIED DEAD BODY**

If the identity of a dead body cannot be established, the investigating officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in all reports and forms.

#### **327.5 DEATH NOTIFICATION**

When reasonably practicable, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by an officer assigned by a supervisor. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this agency shall attempt to contact the reporting agency before attempting to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

## Identity Theft

### 328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of identity theft.

### 328.2 POLICY

It is the policy of the Maryland Natural Resources Police to effectively investigate cases of identity theft.

### 328.3 ACCEPTANCE OF REPORTS

A report should be taken any time a person reports that identity theft has occurred as a result of a crime that occurred as a result of visitation to Maryland DNR owned or managed public lands or the use of services provided by Maryland DNR, including:

- (a) Taking a report even if the location of the crime is outside the jurisdiction of this agency or has not been determined.
- (b) Providing the victim with agency information, as set forth in the Victim and Witness Assistance Policy and encourage the individual to review the material, and assist with any questions.

### 328.4 FOLLOW-UP INVESTIGATION

Members of this agency presented with the crime of identity theft shall prepare and file a report and provide a copy to the person making the report when (Md. Code CR § 8-304):

- (a) The person resides in Maryland.
- (b) The crime occurred in Maryland.
- (c) The crime occurred as a result of the use of services provided by Maryland DNR, regardless of the victim's state of residence, or the physical location of the crime

A member investigating a case of identity theft should ensure that each case is referred to the appropriate agency if it is determined that this agency should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction for investigation. The investigating member should also ensure that appropriate entries are made into related databases that have been authorized for agency use.

### 328.5 IDENTITY THEFT PASSPORT

Upon request by a person who is the victim of identity theft, the Criminal Investigations Section supervisor shall submit an application for an identity theft passport and a copy of the person's identity theft report to the Attorney General (Md. Code CR § 8-305(c)).

An application for an identity theft passport and any supporting documents are not public records and may not be released except to another law enforcement agency.

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#### 328.5.1 ACCEPTANCE OF IDENTITY THEFT PASSPORT

Officers have discretion whether to accept or reject an identity theft passport that an individual presents to help prevent his/her arrest or detention when another person has committed an offense and used the individual's personal identifying information. In determining whether to accept or reject an identity theft passport presented to this agency, the officer may consider the surrounding circumstances and available information regarding the offense of identity fraud against the person (Md. Code CR § 8-305(f)).

## Private Person's Arrest

### 329.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest, commonly referred to as a citizen's arrest.

### 329.2 POLICY

It is the policy of the Maryland Natural Resources Police to accept a private person's arrest only when legal and appropriate.

### 329.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another under the following circumstances:

- (a) An arrest without a warrant varies based on the nature of the crime.
- (b) If the crime is a felony, a private person can make an arrest if:
  - 1. A felony is being committed in the private person's presence.
  - 2. A felony has in fact been committed and the private person making the arrest has probable cause to believe the individual arrested has committed the felony, whether or not in the private person's presence.
- (c) If the crime is a misdemeanor, a private person can make an arrest if the misdemeanor amounts to a breach of the peace and is committed in the private person's presence or view.

### 329.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether or not such an arrest would be lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

- (a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.
- (b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.
- (c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest.

### 329.5 PRIVATE PERSON'S ARREST FORM

The arresting person should be asked to complete and sign a witness statement (NRP 425A). If the person fails or refuses to do so, the arrested individual should be released, unless the officer

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has a lawful reason, independent of the private person's arrest, to take the individual into custody and determines an arrest is appropriate.

## Limited English Proficiency Services

### 330.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 330.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Agency to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Maryland Natural Resources Police, designated by the Agency, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 330.2 POLICY

It is the policy of the Maryland Natural Resources Police to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members (see generally Md. Code SG § 10-1101 et seq.).

The Agency will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

### 330.3 LEP COORDINATOR

The Support Services Bureau Chief is the LEP coordinator.

The responsibilities of the coordinator include, but are not limited to:

- (a) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

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- (b) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Duty Officer and Communications Supervisor. The list should include information regarding the following:
  - 1. Languages spoken
  - 2. Contact information
- (c) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (d) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (e) Identifying standards and assessments to be used by this agency to qualify individuals as qualified bilingual members or authorized interpreters.
- (f) Periodically reviewing efforts of this agency in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (g) Receiving and responding to complaints regarding agency LEP services.
- (h) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to agency services, programs and activities.

#### **330.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Agency will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by agency members, or who may benefit from programs or services within the jurisdiction of this agency or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with agency members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **330.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Maryland Natural Resources Police members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter



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as a condition for receiving assistance. The Agency will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Agency will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept agency-provided LEP services at no cost or they may choose to provide their own.

Agency-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **330.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The Area Commanders, in coordination with the LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **330.7 AUDIO RECORDINGS**

The Agency may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **330.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established agency procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit.

When a qualified bilingual member from this agency is not available, personnel from allied agencies may be requested.

#### **330.9 AUTHORIZED INTERPRETERS**

Any person designated by the Agency to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the agency case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

##### **330.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Agency may contract with authorized interpreters who are available over the telephone. Members may use these services in compliance with established procedures.

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Other sources may include:

- Qualified bilingual members of this agency or personnel from other allied agencies.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.

#### **330.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Agency to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, agency members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **330.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this agency will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this agency is required to complete a report or when other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Agency or some other identified source.

#### **330.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

##### **330.11.1 PHONE CALLS TO AGENCY OFFICES**

Agency members will make every reasonable effort to promptly accommodate LEP individuals calling the Agency. When an Agency member receives a call and determines that the caller is an LEP individual, the member shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available, the call shall promptly be handled by the qualified bilingual member.

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If a qualified bilingual member is not available or the member is unable to identify the caller's language, the member will contact the contracted telephone interpretation service and establish a three-way call between the member, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While emergency calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

#### **330.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as conservation, boating, traffic stops, and pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

#### **330.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized agency member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

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The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

#### **330.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **330.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

#### **330.16 COMPLAINTS**

The Agency shall ensure that LEP individuals who wish to file a complaint regarding members of this agency are able to do so. The Agency may provide an authorized interpreter or translated forms, as appropriate. Complaints will be immediately followed up on.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this agency.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

#### **330.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this agency are important to the ultimate success of more traditional law enforcement duties. This agency will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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#### **330.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Agency will provide periodic training on this policy and related procedures, including how to access agency-authorized telephonic and in-person interpreters and other available resources.

The Training Unit shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. Records of all LEP training provided shall be maintained.

##### **330.18.1 TRAINING FOR AUTHORIZED INTERPRETERS**

All members on the authorized interpreter list must successfully complete prescribed interpreter testing. To complete interpreter testing successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

#### **330.19 BILINGUAL PROFICIENCY VERIFICATION**

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

Prior to being authorized to receive bilingual pay, officers will complete and submit the NRP-501, Bilingual Verification Form.

To test an officer's fluency in a foreign language, the officer will take an oral foreign language communication test, known as the Speaking and Listening Assessment (Interactive Voice Response) administered and scored by ALTA Language Services. For more information click on the link: <http://www.altalang.com/language-testing/speakinglisten/>.

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

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

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

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To test an officers' fluency in American Sign Language, the officer will participate in an American Sign Language Proficiency Interview (ASLPI) which is administered and scored by Gallaudet University. For more information click on the link: <http://www.gallaudet.edu/asl-diagnostic-and-evaluation-services/aslpi>.

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

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

American Sign Language Proficiency Levels	General Descriptions for American Sign Language Proficiency Levels
5	Signers at this proficiency level are able to communicate with accuracy and fluency in order to participate fully and effectively in conversations on a wide variety of topics, both formal and informal and from concrete and abstract perspectives. They discuss their interests and special fields of competence, explain complex matters, and provide lengthy and coherent narrations, all with ease and impromptu detail. They present their opinions on issues and provide structured arguments to support those opinions. They are able to construct and develop hypotheses to explore alternative possibilities. They demonstrate no pattern of error in the use of basic structures, although they may make sporadic errors, particularly in low-frequency structures and in complex high-frequency structures. Such errors, if they do occur, do not distract or interfere with communication. They are able to use the language consistently with accuracy, complexity, flexibility, and intuition and incorporate depth and breadth of vocabulary, and pertinent culture references. Comprehension is excellent across a broad spectrum of topics, which includes fully understanding both what is stated, as well as what is inferred.

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<b>4+</b>	Signers at this proficiency level are able to demonstrate spontaneous elaboration on all familiar and unfamiliar, formal and informal topics but they are not able to maintain accuracy or complexity for the duration of the evaluation. Such discourse, while coherent, may be influenced by language patterns other than those of the target language. Even with this influence, they are consistently able to demonstrate all of the linguistic features required for high level proficiency. Comprehension is excellent across a broad spectrum of topics, and inferences are understood.
<b>4</b>	Signers at this proficiency level are able to demonstrate spontaneous elaboration on all familiar and most unfamiliar topics; however, there is incorporation of language patterns other than those of the target language. They are able to use an array of rhetoric (narration, description, argument, and hypothesis) with complex topics in paragraph-length discourse related to employment, current events, and matters of public and community interest. Although they command a good number of grammatical features, they are deficient in some areas such as cohesion, non-manual signals (NMS), and depiction. They are able to present information with sufficient accuracy, clarity, and vocabulary selection to convey intended meaning without misrepresentation or confusion. Comprehension is very good with demonstration of confidence in the discussion of most complex topics.
<b>3+</b>	Signers at this proficiency level are able to demonstrate spontaneous elaboration on all familiar and some unfamiliar topics with increasing incorporation of language patterns other than those of the target language. When they attempt to perform tasks at the next proficiency level, they exhibit features of breakdown, such as shorter paragraph-level discourse, errors with mapping, cohesion, affect, and non-manual signals (NMS). Despite noticeable imperfections, they are able to present broad vocabulary with sufficient accuracy and clarity. Comprehension is good on all topics, but repetition and/or rephrasing might be needed.



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<b>3</b>	Signers at this proficiency level are able to express language with sufficient structural accuracy and vocabulary to participate in most familiar and unfamiliar topics about practical, social, and professional situations. They can discuss particular interests with reasonable ease. They demonstrate confidence discussing topics at the paragraph discourse level, but exhibit errors and breakdown when in-depth elaboration and detail is requested. Occasional groping for vocabulary can be present. There is good control of grammar but there are some noticeable imperfections and errors which may interfere with understanding. They tend to function reactively by responding to direct questions or requests for information. They are capable of asking a variety of questions when needed to gather information pertaining to certain situations. They may combine and recombine known language elements to create short paragraph length responses. Their language contains pauses and self-corrections as they search for adequate vocabulary and language forms. Comprehension is often accurate with highly familiar and predictable topics although misunderstandings may occur.
<b>NOTE</b>	Except for LEVEL 5, the ASLPI proficiency level received may include the assignment of a plus value (+). This does not represent a midway point between two levels, but may be inferred to indicate that the examinee exceeds the requirements for a particular level but does not satisfy in all respects the requirements of the next higher level.

The completed NRP-501 and test results will be filed with the NRP Personnel Section.

For information regarding bilingual pay, see the Compensation Policy.

## Communications with Persons with Disabilities

### 331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

#### 331.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

### 331.2 POLICY

It is the policy of the Maryland Natural Resources Police to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Agency will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

### 331.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Natural Resources Police utilizes the DNR ADA Coordinator to ensure compliance with federal requirements. (28 CFR 35.107). Commanders are encouraged to work the DNR ADA Coordinator to ensure ADA compliance to include equal access to services, programs and activities.

The responsibilities of the coordinator include, but are not limited to:

- (a) Developing reports, new procedures, or recommending modifications to this policy.
- (b) Coordinating with local disability advocacy groups or other disability groups regarding access to agency services, programs and activities.
- (c) Ensuring that a list of qualified interpreter services is maintained and available at the Communications Center. The list should include information regarding the following:

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1. Contact information
  2. Availability
- (d) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
  - (e) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to individuals with disabilities.
  - (f) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to agency services, programs and activities.

#### **331.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this agency should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate his/her understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

#### **331.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

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The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Maryland Natural Resources Police, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

#### **331.6 TYPES OF ASSISTANCE AVAILABLE**

Maryland Natural Resources Police members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Agency will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Agency will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept agency-provided auxiliary aids or services or they may choose to provide their own.

Agency-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

#### **331.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Agency may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

#### **331.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign

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language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use agency-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

#### **331.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Agency will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

#### **331.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Agency to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, agency members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

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#### **331.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

#### **331.12 REPORTING**

Whenever any member of this agency is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Agency or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

#### **331.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as boating stops, conservation inspections, serving warrants, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Agency recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this agency. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

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If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

#### **331.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

#### **331.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this agency will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **331.15 ARRESTS AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use agency-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

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When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

#### **331.16 COMPLAINTS**

The Agency shall ensure that individuals with disabilities who wish to file a complaint regarding members of this agency are able to do so. The Agency may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Agency.

#### **331.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this agency are important to the ultimate success of more traditional law enforcement duties. This agency will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **331.18 TRAINING**

To ensure that all members who may have contact with disabled individuals are properly trained, the Agency will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Unit shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Unit shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.



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#### 331.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur periodically.

## Chaplains

### 332.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Maryland Natural Resources Police chaplains to provide counseling or emotional support to members of the Agency, their families and members of the public.

### 332.2 POLICY

The Maryland Natural Resources Police shall ensure that agency chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

### 332.3 ELIGIBILITY

Requirements for participation as a chaplain for the Agency may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate civilian level background investigation.
- (e) Never been convicted of a criminal offense or offenses involving moral turpitude.
- (f) Must be ecclesiastically certified, licensed, ordained or commissioned.
- (g) Possession of a valid driver's license.
- (h) NRP Employees are not permitted to serve as chaplains due to potential conflicts of interest.
- (i) Prospective chaplain candidates cannot be involved with prison/jail ministries due to potential conflicts of interest.

The Superintendent may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

### 332.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Maryland Natural Resources Police shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this agency.

- (a) Employees may forward the names and telephone numbers of interested clergy to the Chaplain Coordinator.
- (b) The Chaplain Coordinator may request names of potential candidates from current chaplains, professional chaplain organizations, or employees.
- (c) Employees accepting applications for the Chaplain Program should forward the form in a sealed envelope to the Chaplain Coordinator.

### Termination:

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When a Chaplain is unable or fails to provide reasonable services the Chaplain Coordinator will notify the chaplain and terminate their services.

#### **332.4.1 RECRUITMENT**

Chaplains should be recruited on a continuous and ongoing basis consistent with agency policy on equal opportunity and non-discriminatory employment. Chaplain candidates are encouraged to participate in ride-alongs with agency members before and during the selection process.

#### **332.4.2 SELECTION AND APPOINTMENT**

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the Chaplain Volunteer Application Form.
- (b) Include a recommendation from their employer or volunteer program.
- (c) Interview with the Superintendent or the authorized designee.
- (d) Chaplains are volunteers and serve at the discretion of the Superintendent.

#### **332.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Agency, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties.

Chaplains will be issued Maryland Natural Resources Police identification cards which must be carried at all times while providing services.

#### **332.6 EQUIPMENT ISSUE**

Upon appointment, all Chaplains will receive the following:

- (a) NRP Chaplain Photo Identification Card
- (b) A vehicle identification placard issued through the Quartermaster Section
- (c) High-visibility vest
- (d) Other items as determined by the Chaplain Coordinator

#### **332.7 CHAPLAIN COORDINATOR**

The Superintendent shall delegate certain responsibilities to a chaplain coordinator. The appointment of this position will be at the discretion of the Superintendent.

The chaplain coordinator shall serve as the liaison between the chaplains and the Superintendent. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Agency, and to direct and assist efforts to jointly provide more productive chaplain services.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Ensuring chaplains are advised of:
  - 1. Liability coverage for chaplains against whom claims or suits are filed will be in accordance with the Maryland Tort Claims Act, if the chaplain was acting within the scope and authority of their duties.
  - 2. Accident coverage - A volunteer worker for a unit of State government is a covered employee under the Maryland Workers' Compensation Act, MD Code Ann., Labor and Employment §9-231.1; however, the benefits provided to a volunteer worker are limited to medical services and treatment under Subtitle 6, Part IX for a compensable injury. Workers' Compensation claim forms must be submitted through the appropriate channels within thirty (30) days of the date of the accident/injury.
- (b) Recruiting, selecting and providing training to qualified chaplains.
- (c) Conducting chaplain meetings.
- (d) Establishing and maintaining a chaplain callout roster.
- (e) Maintaining records for each chaplain.
- (f) Tracking and evaluating the contribution of chaplains.
- (g) Maintaining a record of chaplain requested services.
- (h) Completing and disseminating all necessary paperwork.
- (i) Maintaining liaison with other agency chaplain coordinators.

All duties and responsibilities of chaplains will be designated by the Chaplain Coordinator who will maintain a statewide roster of available NRP chaplains which will be available to the Communications Center.

Prior to a chaplain taking part in a ride-along or performing any field-related duties, the Chaplain Coordinator will obtain a signed Liability Release and Indemnification Agreement form (NRP-479) from the chaplain and maintain it in a file.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

### **332.8 DUTIES AND RESPONSIBILITIES**

Chaplains are not law enforcement officers. Chaplains are responsible for assisting all agency employees, upon request, on religious and spiritual matters. Chaplains shall not in any way interfere with an officer or any other employee in the performance of his/her duties.

Chaplains assist the Agency, its members and the community, as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Agency.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

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Chaplains may not proselytize or attempt to recruit members of the Agency or the public into a religious affiliation while representing themselves as a chaplain with this agency unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service, or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Maryland Natural Resources Police. Chaplains shall advise the chaplain coordinator of violations committed (moving traffic, civil and criminal).

#### 332.8.1 COMPLIANCE

Chaplains are volunteer members of the Agency, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

- (a) When responding to a call for service by vehicle, the chaplain will observe all traffic regulations.
- (b) When responding to or engaged in a call for service, the chaplain will wear the issued attire that clearly identifies him/her as an NRP chaplain. He/she will immediately report to the officer in charge once on scene.
- (c) Chaplains will not release any information to news media, insurance agencies, attorneys, or anyone else regarding any case in which he/she is involved. Information obtained will be held in confidence and used only for the benefit of the employee. Chaplains are not authorized to make any statements in regards to the agency on social media or to any other media reporter, journalist, or media organization. Chaplains shall refrain from posting anything on social media related to their position as an Agency chaplain.
- (d) Chaplains shall not publicly criticize the action of any law enforcement officer, agency official, fellow Chaplain, or agency policy and/or action. Any chaplain having a grievance should discuss it with the Chaplain Coordinator.
- (e) Inappropriate behavior may be cause for termination. Inappropriate behavior includes but is not limited to:
  - 1. Dishonesty
  - 2. Inappropriate language
  - 3. Public comments that reflect poorly on the Agency
  - 4. Failure to follow directions and/or chain of command
  - 5. Falsification of records
  - 6. Theft
  - 7. Misuse of NRP Chaplain credentials
  - 8. Failure to advise the Chaplain Coordinator of violations committed (moving traffic, civil and criminal)

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- (f) Chaplains provide confidential assistance to all employees, both sworn and civilian. Individual's legal rights to confidentiality and privacy will be protected. Any information revealed by an employee to a chaplain shall remain confidential. Neither the Department nor involved individual employees will call upon the chaplain to testify at any administrative or criminal proceedings. Records of interviews will be treated by the Department as privileged. No privileged information given to the chaplain will be made available for use in administrative, disciplinary, or criminal proceedings. Care should be taken by those who desire to have their communication protected by this privilege that the communication is made in private and not made in the presence of persons other than the chaplain.

#### 332.8.2 OPERATIONAL GUIDELINES

- (a) Chaplains shall not be required to perform duties contrary to the discipline of their personal convictions or denomination's doctrine.
- (b) Generally, each chaplain will serve with Maryland Natural Resources Police personnel a minimum of eight hours per quarter.
- (c) Chaplains should act as a liaison between the NRP and local church congregations and religious bodies.
- (d) Chaplains shall be permitted to ride with officers during any shift and observe Maryland Natural Resources Police operations, provided the supervisor has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Agency.
- (f) In responding to incidents, a chaplain shall never function as an officer.
- (g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (h) Chaplains shall serve only within the jurisdiction of the Maryland Natural Resources Police unless otherwise authorized by the Superintendent or the authorized designee.
- (i) Chaplains shall assist NRP personnel in contacting appropriate community agencies for resources.
- (j) Chaplains should when asked, conduct religious and ceremonial services within the guidelines and regulations of their endorsing denomination.

#### 332.8.3 ASSISTING AGENCY MEMBERS

The responsibilities of a chaplain related to agency members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.

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- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

#### **332.8.4 ASSISTING THE AGENCY**

The responsibilities of a chaplain related to the Agency include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Duty Officer or supervisor aids in accomplishing the mission of the Agency.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, responding to major demonstrations or any public function that requires the presence of a large number of agency members.
- (e) Attending agency and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Agency.

#### **332.8.5 ASSISTING THE COMMUNITY**

The duties of a chaplain related to the community include, but are not limited to:

- (a) Familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Agency.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as approved.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

#### **332.8.6 CHAPLAIN MEETINGS**

All chaplains are required to attend scheduled meetings. Any absences must be approved by the chaplain coordinator.

#### **332.9 PRIVILEGED COMMUNICATIONS**

Agency chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall

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inform members when it appears reasonably likely that the member is discussing matters that are not subject to the privileged communications. In such cases, the chaplain should refer the member to a non-agency counseling resource.

No chaplain shall provide counsel to any Maryland Natural Resources Police member if the chaplain witnessed the incident being discussed.

#### **332.10 TRAINING**

The Agency may provide training opportunities and standards for agency chaplains. The training may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity



## Child and Dependent Adult Safety

### 333.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this agency.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

### 333.2 POLICY

It is the policy of this agency to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Maryland Natural Resources Police will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 333.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

#### 333.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

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Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when an existing court order limits contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify child protective services or the adult protective services through the local Departments of Social Services, if appropriate.
- (e) Notify their supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

#### 333.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

#### 333.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
  - 1. Name

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2. Gender
  3. Age
  4. Special needs (e.g., medical, mental health)
  5. How, where and with whom or which agency the child was placed
  6. Identities and contact information for other potential caregivers
  7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
1. Name
  2. Gender
  3. Age
  4. Whether he/she reasonably appears able to care for him/herself
  5. Disposition or placement information if he/she is unable to care for him/herself

#### **333.3.4 SUPPORT AND COUNSELING REFERRAL**

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis response telephone number, the appropriate referral information may be provided.

#### **333.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other agency-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

#### **333.5 TRAINING**

The Area/Unit Commander is responsible to ensure that all members of this agency who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

## Service Animals

### 334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

#### 334.1.1 DEFINITIONS

Definitions related to this policy include:

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

### 334.2 POLICY

It is the policy of the Maryland Natural Resources Police to provide services and access to persons with service animals in the same manner as those without service animals. Agency members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

### 334.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

#### **334.4 MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Agency members are expected to treat individuals with service animals with the same courtesy and respect that the Maryland Natural Resources Police affords to all members of the public (28 CFR 35.136).

##### **334.4.1 INQUIRY**

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

##### **334.4.2 CONTACT**

Service animals are not pets. Agency members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

##### **334.4.3 REMOVAL**

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. The barking of a dog alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this agency are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

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#### 334.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this agency should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

## Volunteers

### 335.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Maryland Natural Resources Police volunteers to supplement and assist agency personnel in their duties. Trained volunteers are members who can augment agency personnel and help complete various tasks.

#### 335.1.1 DEFINITIONS

Definitions related to this policy include:

**NRP Reserve Officer program-** Volunteers who assist the Maryland Natural Resources Police by performing administrative or technical tasks, or other services in support of the duties or mission of the Agency (COMAR 12.04.07.02(B)(6)).

**Volunteer** - An individual who performs a service for the Agency without promise, expectation or receipt of compensation for services rendered. This may include but is not limited to unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support, and outdoor safety education instructors.

### 335.2 POLICY

The Maryland Natural Resources Police shall ensure that volunteers are properly appointed, trained and supervised to carry out specified tasks and duties in order to create an efficient agency and improve services to the community.

The use of volunteers shall meet all the requirements and have been approved as required by law (COMAR 12.04.07.03; COMAR 12.04.07.04).

### 335.3 ELIGIBILITY

Requirements for participation as a volunteer for the Agency may include, but are not limited to:

- (a) Being at least 18 years of age for all positions other than Explorer.
- (b) Possession of a valid driver's license if the position requires vehicle operation.
- (c) Possession of liability insurance for any personally owned equipment or vehicles utilized during volunteer work.
- (d) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
- (e) No conviction of a misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.
- (f) No mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.
- (g) Physical requirements reasonably appropriate to the assignment.

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- (h) A personal background history and character suitable for a person representing the Agency, as validated by a background investigation.

The Superintendent may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

#### **335.4 RECRUITMENT, SELECTION AND APPOINTMENT**

The Maryland Natural Resources Police shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this agency.

##### **335.4.1 RECRUITMENT**

Volunteers should be recruited on a continuous and ongoing basis consistent with agency policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Agency in serving the public.

Requests for volunteers should be submitted in writing to the appropriate volunteer coordinator.

##### **335.4.2 SELECTION**

Volunteer candidates shall successfully complete the following process prior to appointment as a volunteer:

- (a) Submit the appropriate written application.
- (b) Interview with the volunteer coordinator.
- (c) Successfully complete an appropriate-level background investigation.

##### **335.4.3 APPOINTMENT**

Service as a volunteer with the Agency shall begin with an official notice of acceptance or appointment by the Superintendent or the authorized designee. Notice may only be given by an authorized representative of the Agency, who will normally be the volunteer coordinator.

No volunteer should begin any assignment until he/she has been officially accepted for that position and has completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the Agency.

All volunteers shall receive a copy of the volunteer orientation materials and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Agency.

Volunteers serve at the discretion of the Superintendent.

#### **335.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Agency, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their



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duties. Uniforms or other appropriate attire and necessary safety equipment will be provided for each volunteer. Identification symbols worn by volunteers shall be different and distinct from those worn by officers or members of this agency through the inclusion of their volunteer status on the uniform/attire.

Volunteers will be issued Maryland Natural Resources Police identification cards which must be carried at all times while volunteering. The identification cards will be the standard Maryland Natural Resources Police identification cards, with the exception of the inclusion of their volunteer status.

#### **335.6 PERSONNEL WORKING AS VOLUNTEERS**

Qualified regular agency personnel, when authorized, may also serve as volunteers. However, this agency shall not utilize the services of volunteers in such a way that it would violate employment laws, collective bargaining agreements or memorandums of understanding. Therefore, the volunteer coordinator should consult with the NRP Human Resources Section Supervisor prior to allowing regular agency personnel to serve in a volunteer capacity (29 CFR 553.30).

#### **335.7 VOLUNTEER COORDINATORS**

The Superintendent shall delegate certain responsibilities to volunteer coordinators. Coordinators shall be directly responsible to the Safety Education Section supervisor or the authorized designee.

Volunteer coordinators shall serve as the liaison between the volunteers and the Safety Education Section. The function of the coordinators is to provide a central coordinating point for effective volunteer management within the Agency, and to direct and assist efforts to jointly provide more productive volunteer services. Under the general direction of the Superintendent or the authorized designee, volunteers shall report to their volunteer coordinator and/or the lead, sworn officer on scene.

The responsibilities of the coordinators include, but are not limited to:

- (a) Recruiting, selecting and training qualified volunteers.
- (b) Conducting volunteer meetings.
- (c) Establishing and maintaining a volunteer callout roster.
- (d) Maintaining records for each volunteer.
- (e) Tracking and evaluating the contribution of volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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- (j) Maintaining volunteer orientation and training materials, and outlining expectations, policies and responsibilities for all volunteers.
- (k) Maintaining a list of all equipment issued to each volunteer.
- (l) Conducting an annual inspection of all equipment issued to volunteers.

An evaluation of the overall use of volunteers will be conducted on an annual basis by the Safety Education Section supervisor or the authorized designee.

#### **335.8 DUTIES AND RESPONSIBILITIES**

Volunteers assist agency personnel as needed. Volunteers may be assigned to any function within the Agency as needed.

All volunteers will be assigned to duties by the appropriate volunteer coordinator or the authorized designee.

##### **335.8.1 COMPLIANCE**

Volunteers shall be required to adhere to all agency policies and procedures appropriate to their position as provided by their coordinator.

##### **335.8.2 VOLUNTEER MEETINGS**

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to their volunteer coordinator.

#### **335.9 TASK-SPECIFIC TRAINING**

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assigned duties. A volunteer's training should correspond to his/her assignment as determined by the volunteer coordinator.

Volunteers will be provided with an orientation program to acquaint them with the policies and procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission infer that they are officers or other full-time members of the Agency. They shall always represent themselves as volunteers.

##### **335.9.1 VOLUNTEER TRAINING MATERIALS**

Each new volunteer will be issued volunteer training materials. The materials outline the subject matter and skills necessary to properly function as a volunteer with the Maryland Natural Resources Police. The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

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#### **335.10 SUPERVISION**

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultations and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assigned duties. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to members on all levels.
- (b) Ensure volunteers have the necessary equipment.
- (c) Make sure the work is appropriate for each volunteer and of value to the Agency. Do not hesitate to give volunteers an assignment or task that will tap these valuable resources.

##### **335.10.1 FITNESS FOR DUTY**

No volunteer shall report for work or be at work when his/her judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations
- (e) All law enforcement contacts

#### **335.11 INFORMATION ACCESS**

With appropriate security clearance, a volunteer may have access to or be in the vicinity of criminal histories, investigative files or information portals. Unless otherwise directed by a supervisor, the duties of the position or agency policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized members shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by agency policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential information will be required to have his/her fingerprints submitted to the Maryland Criminal Justice Information System (CJIS) to obtain clearance. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Agency. Subsequent unauthorized disclosure of any confidential information verbally, in writing or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

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Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the Agency, or maintain that they represent the Agency in such matters without permission from the proper agency personnel.

#### **335.11.1 RADIO AND MDT USAGE**

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the police radio or MDT and shall comply with all related provisions. Volunteer coordinators should ensure that radio and database access training is provided for volunteers whenever necessary.

#### **335.12 EQUIPMENT**

Any property or equipment issued by the Agency shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Agency and shall be returned at the termination of service.

#### **335.12.1 VEHICLE USE**

Any volunteer who operates any vehicle while acting in the capacity of a volunteer shall receive training in safe driving and defensive driving. The specific training and course of study shall be determined by the volunteer coordinator.

Volunteers assigned to duties that require the use of a vehicle must first complete:

- (a) A driving safety briefing and state required paperwork.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Coordinators should ensure that all volunteers receive safety briefing updates and license verification at least once a year.

When operating agency vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked law enforcement vehicle unless there is a prominently placed sign indicating that the vehicle is out of service.

Volunteers are not authorized to operate agency vehicles under emergency conditions (lights and siren).

#### **335.13 DISCIPLINARY PROCEDURES/TERMINATION**

If a volunteer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Volunteers are considered at-will and may be removed from service at the discretion of the Superintendent or the authorized designee, with or without cause. Volunteers shall have no property interest in their continued appointments. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a

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liberty interest hearing, which shall be limited to a single appearance before the Superintendent or the authorized designee.

Volunteers may resign from volunteer service with the Agency at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

#### **335.13.1 EXIT INTERVIEWS**

Volunteer coordinators should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the Agency.

#### **335.14 REPORTING**

Volunteer coordinators shall:

- (a) Maintain annual records on each volunteer, including (COMAR 12.04.07.07.A):
  - 1. Full name.
  - 2. Social Security number.
  - 3. The total itemized hours of service worked each month.
  - 4. Other information the Maryland Police Training and Standards Commission (MPTSC) or the State Comptroller may require.
- (b) Provide to each active status volunteer, no later than February 15 of each year, a written report in the format specified by MPTSC, the volunteer's specific information, including:
  - 1. The identity of the volunteer
  - 2. Certification signed by an authorized agency member stating that the volunteer is qualified to apply for the subtraction modification under Md. Code TG § 10-208(l)(2) on the basis that the individual has, between January 1 and December 31 of the preceding year:
    - (a) Participated in a MPTSC-approved program.
    - (b) Met the requirements of Md. Code TG § 10-208(l)(2) to be considered a qualifying police auxiliary or reserve volunteer.
    - (c) Met the minimum requirements for active status.
- (c) Submit an annual report to MPTSC and the State Comptroller by October 1, in the format specified, that includes the annual records for each volunteer collected under COMAR 12.04.07.07 from January 1 through December 31 of the preceding year that either (COMAR 12.04.07.07.C):
  - (a) Qualified to apply for the subtraction modification established under Md. Code TG § 10-208(l).
  - (b) Otherwise met minimum requirements for active status.

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- (d) Report any change to the information submitted as part of the original application for MPTSC approval or the agency program supporting volunteers to the Deputy MPTSC Director within 30 days of the effective date (COMAR 12.04.07.06.B).

# Native American Graves Protection and Repatriation

<b>Effective Date:</b>	10/25/21
<b>Revised Date:</b>	REVIEWED--05/31/24
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--06/01/25

## 336.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 336.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

**Funerary objects** - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

**Native American human remains** - Any physical part of the body of a Native American individual.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

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### *Native American Graves Protection and Repatriation*

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**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

#### **336.2 POLICY**

It is the policy of the Maryland Natural Resources Police that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

#### **336.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT**

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - The Maryland Historical Trust and the Maryland Commission on Indian Affairs (COMAR 34.04.06.01 et seq.)
- Tribal land - Responsible Indian tribal official

#### **336.4 EVIDENCE AND PROPERTY**

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

#### **336.5 DISPOSITION OF REMAINS**

This agency shall cooperate with other government agencies, the Maryland Commission on Indian Affairs, the Advisory Committee on Archeology, the Burial Sites and Objects Review Committee and the Maryland Historical Trust to accomplish the appropriate disposition of Native American human remains (COMAR 34.04.06.01 et seq.).



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### *Native American Graves Protection and Repatriation*

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#### **336.6 DNR PROCEDURE**

The DNR has a procedure for addressing human remains and/or burial sites found on lands owned and managed by DNR. This procedure is available on the DNR Intranet under Employee Resources.

## Off-Duty Law Enforcement Actions

### 337.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Maryland Natural Resources Police with respect to taking law enforcement action while off-duty. This policy does not include when utilizing a state vehicle while off-duty.

### 337.2 POLICY

It is the policy of the Maryland Natural Resources Police that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss may take reasonable action to minimize or eliminate the threat.

### 337.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening. However, should an officer decide to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

- (a) The potential to be misidentified by other officers.
- (b) The potential to be misidentified by members of the public, who may be armed or who may take action.
- (c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.
- (d) Limited off-duty firearms capabilities and ammunition.
- (e) The inability to communicate with responding officers.
- (f) The lack of equipment, such as firearm, agency identification, body armor, handcuffs or control devices.
- (g) Unfamiliarity with the surroundings, including escape routes.
- (h) The potential for increased risk to bystanders by confronting a suspect or taking action.

#### 337.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the police communications operators receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

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### *Off-Duty Law Enforcement Actions*

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Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Maryland Natural Resources Police until acknowledged. Official identification should also be displayed when possible.

#### **337.4 CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she is working in an undercover capacity.

##### **337.4.1 INCIDENTS OF PERSONAL INTEREST**

Agency members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

#### **337.5 REPORTING**

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify the Duty Officer regarding any law enforcement action taken while off-duty. The Duty Officer may send a supervisor to the location. The supervisor may request assistance from the Internal Affairs Unit, if deemed appropriate.

## Agency Use of Social Media

### 338.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Agency is consistent with the agency mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by agency members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this agency (see the Investigation and Prosecution Policy).

#### 338.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the agency website or social networking services.

### 338.2 POLICY

The Maryland Natural Resources Police may use social media as a method of effectively advertising job openings, informing the public about agency services, issues, investigations and other relevant events.

Agency members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

### 338.3 AUTHORIZED USERS

Only members authorized by the Superintendent or the authorized designee may utilize social media on behalf of the Agency. Authorized members shall use only agency-approved equipment during the normal course of duties to post and monitor agency-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Superintendent may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over agency social media by members who are not authorized to post should be made through the member's chain of command.

Incident-related information should be forwarded to the Public Information Officer (PIO) utilizing the NRP 504 PIO Charging Form.

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### *Agency Use of Social Media*

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Members may forward general photographs (nature pictures, etc.) directly to the PIO via email or text messaging.

#### **338.4 AUTHORIZED CONTENT**

Only content that is appropriate for public release, that supports the agency mission and conforms to all agency policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the agency mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

##### **338.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### **338.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Maryland Natural Resources Police or its members.
- (e) Any information that could compromise the safety and security of agency operations, members of the Agency, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

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### *Agency Use of Social Media*

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Any member who becomes aware of content on this agency's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to their supervisor and the PIO.

#### **338.6 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on agency sites.

## Community Relations

### 339.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Policy.
- Suspicious Activity Reporting Policy.

### 339.2 POLICY

It is the policy of the Maryland Natural Resources Police to promote positive relationships between agency members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

### 339.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and community relations coordinators to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members.

### 339.4 COMMUNITY RELATIONS COORDINATORS

Area Commanders serve as the community relations coordinators and are responsible for:

- (a) Obtaining agency-approved training related to his/her responsibilities.
- (b) Responding to requests from agency members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Working with community groups, agency members and other community resources to:

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### *Community Relations*

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1. Identify and solve public safety problems within the community.
  2. Organize programs and activities that help build positive relationships between agency members and the community and provide community members with an improved understanding of agency operations.
- (d) Developing plans that allow officers the time to participate in community engagement and problem-solving activities.
  - (e) Recognizing agency and community members for exceptional work or performance in community relations efforts.
  - (f) Attending State council and other community meetings to obtain information on community relations needs.
  - (g) Assisting with the agency's response to events that may affect community relations, such as an incident where the conduct of an agency member is called into public question.
  - (h) Informing the Superintendent and others of developments and needs related to the furtherance of the agency's community relations goals, as appropriate.

#### **339.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS**

The community relations coordinators should organize or assist with programs and activities that create opportunities for agency members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Agency-sponsored outdoor programs (e.g., baseball, basketball, soccer, bowling, fishing rodeo).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) Shop-with-a-Cop.
- (e) Neighborhood Watch and crime prevention programs.
- (f) Outreach programs (e.g., Es Mi Parque).
- (g) National Night Out.

#### **339.6 INFORMATION SHARING**

The community relations coordinators should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., hunter safety education courses, boating safety education courses, reserve officer events) between the Agency and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Agency Use of Social Media Policy).
- (c) Agency website postings. Information should be regularly refreshed, to inform and engage community members continuously.



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#### **339.7 LAW ENFORCEMENT OPERATIONS EDUCATION**

The community relations coordinators should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Agency website postings.
- (c) Presentations to hunter safety and boating safety education classes.
- (d) Instruction in schools.
- (e) Agency ride-alongs (see the Ride-Alongs Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth Internships at the Agency.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Agency regarding alleged misconduct or inappropriate job performance by agency members.

#### **339.8 SAFETY AND OTHER CONSIDERATIONS BEST PRACTICE**

Agency members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Agency members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

#### **339.9 TRANSPARENCY**

The Agency should periodically publish statistical data and analysis regarding the agency's operations. The reports should not contain the names of the officer, suspects or case numbers.

#### **339.10 TRAINING**

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

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Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

## Extreme Risk Protective Orders

### 340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protective orders and accounting for firearms and ammunition obtained pursuant to those orders.

#### 340.1.1 DEFINITIONS

Definitions related to this policy include:

**Extreme risk protective order** - An order prohibiting a named person from having in his/her custody or control or purchasing a firearm or ammunition, as applicable (Md. Code PS § 5–601 et seq.).

### 340.2 POLICY

It is the policy of the Maryland Natural Resources Police to petition for and serve extreme risk protective orders in compliance with state law, and to properly account for firearms and ammunition obtained by the Agency pursuant to such orders.

### 340.3 EXTREME RISK PROTECTIVE ORDER COORDINATOR

Area/Unit Commanders are responsible for:

- (a) Developing and maintaining procedures for the filing of a petition for an extreme risk protective order by the Agency (Md. Code PS § 5–601; Md. Code PS § 5–602).
- (b) Developing and maintaining procedures for the receipt and service of extreme risk protective orders consistent with the requirements of Md. Code PS § 5–603, Md. Code PS § 5–604, Md. Code PS § 5–607, and Md. Code PS § 5–608. Procedures should include:
  - 1. Acceptance of voluntarily surrendered firearms and ammunition from a person who is the subject of the protective order.
  - 2. Assessing a protective order prior to service to determine whether the order should be served pursuant to the Warrant Service Policy and the Operations Planning and Deconfliction Policy.
  - 3. Preparing or obtaining a search warrant prior to attempting service of the extreme risk protective order.
  - 4. Service of the extreme risk protective order as soon as possible, return of service to the clerk, and notification to the Department of Public Safety and Correctional Services.
  - 5. Storage and return or disposition of surrendered and seized firearms.
  - 6. Criteria for assessing mental health risks and the appropriateness for emergency evaluations.
- (c) Reviewing each petition and service for an extreme risk protective order to ensure compliance with this policy, agency procedures, and state law.

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### *Extreme Risk Protective Orders*

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#### **340.4 EXTREME RISK PROTECTIVE ORDERS**

An officer who reasonably believes that an extreme risk protective order is appropriate should obtain supervisor approval prior to seeking an order.

##### **340.4.1 STANDARDS**

Extreme risk protective orders may be appropriate if a person poses an immediate and present danger of causing personal injury to him/herself or another by having a firearm (Md. Code PS § 5–603).

##### **340.4.2 REQUIREMENTS OF PETITION**

An application for an extreme risk protective order should be prepared consistent with state law and the procedures developed by the extreme risk protective order coordinator (Md. Code PS § 5–602).

#### **340.5 SERVICE**

Officers shall personally serve a copy of an extreme risk protective order, along with the accompanying notice of hearing and petition, if applicable, on the person named in the order as soon as possible and make the proper return. Service of risk protection orders takes precedence over the service of other orders, except for orders of a similar emergency nature (Md. Code PS § 5–603; Md. Code PS § 5–604).

All attempts to serve the ERPO will be documented in the CAD and the incident report.

Within two hours after service of an extreme risk protective order, this agency is responsible for electronically notifying the Department of Public Safety and Correctional Services using METERS (Md. Code PS § 5–603; Md. Code PS § 5–604).

##### **340.5.1 SAFETY CONSIDERATIONS**

Upon receipt of an extreme risk protective order, the Area/Unit Commander or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service. The Threat Assessment for Warrant Service (NRP 483) should be utilized to conduct this evaluation.

When appropriate based on the circumstances and agency procedures, service of extreme risk protective orders should be executed pursuant to the Operations Planning and Deconfliction Policy.

In no circumstances should less than two officers be present when an extreme risk protective order is being served.

##### **340.5.2 SURRENDER OF FIREARMS AND AMMUNITION**

Officers serving an extreme risk protective order shall request that the person who is the subject of the order immediately surrender all firearms and ammunition in his/her custody, control, or possession. Officers shall take custody of any firearms or ammunition.

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### *Extreme Risk Protective Orders*

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A receipt (NRP 101) identifying all surrendered items and the process for reclaiming the items shall be prepared by the officer and a copy given to the person (Md. Code PS § 5–608). The officer should ensure the original receipt is forwarded to the property custodian of the appropriate facility along with the surrendered items. A copy of the receipt shall be included with the incident report in RMS.

All items collected should be handled and booked in accordance with the Property Storage Area Policy.

#### **340.5.3 SEARCH WARRANTS**

If the person subject to the extreme risk protective order refuses to surrender all firearms and ammunition or if an officer serving an extreme risk protective order reasonably believes there are firearms or ammunition in the person's custody, control, or possession that have not been surrendered, the officer should consider whether to seek a search warrant (Md. Code CP § 1–203; Md. Code PS § 5–607).

Officers should be prepared to file a search warrant prior to attempting service of an extreme risk protective order. Preparation and service of the search warrant should be done in accordance with the Warrant Service Policy.

#### **340.6 TERMINAL AGENCY CONTROLLER (TAC) RESPONSIBILITIES**

The TAC is responsible for:

- (a) Ensuring orders have been properly entered into state and national databases as required.
- (b) Removing from any computer-based system in which it was entered, an original order upon receipt of an order to vacate from the court as required.

#### **340.7 COURT-ORDERED SURRENDER OF FIREARMS AND AMMUNITION**

Authorized officers should accept firearms and ammunition from any person who is the subject of an extreme risk protective order. The officer receiving any such firearms or ammunition shall issue a receipt (NRP 101) identifying all surrendered items, in addition to following other relevant Agency procedures (Md. Code PS § 5–608).

##### **340.7.1 STATE-SPECIFIC REQUIREMENTS**

The receipt (NRP 101) identifying all surrendered items shall contain information concerning make, model, and serial number, as applicable, and a copy shall be given to the person (Md. Code PS § 5–608). The officer should ensure that a copy of the original receipt is forwarded with the surrendered items to the Property Custodian. A copy of the receipt shall be included with the incident report in RMS.

The receiving officer shall also ensure that the person who is the subject of the order is provided with information on the process for reclaiming the firearms and/or ammunition upon the expiration or termination of the order (Md. Code PS § 5–608).

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### *Extreme Risk Protective Orders*

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All firearms received in relation to an extreme risk protective order should be stored and transported in a protective case, if available, and in a manner to prevent damage to the firearm. No identifying or other marks may be placed on the firearm (Md. Code PS § 5–608).

#### **340.8 RELEASE OF FIREARMS AND AMMUNITION**

Any person requesting the release of any firearm or ammunition in Agency custody pursuant to an extreme risk protective order should be referred to the property custodian where the firearms or ammunition has been stored. Firearms or ammunition received in relation to an extreme risk protective order should only be disposed of in accordance with Md. Code PS § 5–608 and established office policies and procedures.

#### **340.9 RENEWAL OF EXTREME RISK PROTECTIVE ORDER**

Area/Unit Commanders are responsible for the review of any extreme risk protective order obtained by the Agency to determine if renewal or extension of the order should be requested within the time prescribed by law (Md. Code PS § 5–606).

#### **340.10 EMERGENCY PETITIONS**

Any member who receives notice of a referral for an emergency petition (EP) of a respondent in a matter involving an extreme risk protective order from a District Court commissioner should ensure that an emergency mental evaluation is conducted, if appropriate, in accordance with state law and the Emergency Petition Policy (Md. Code PS § 5-603; Md. Code HG § 10-601 et seq.).

Whenever an officer takes a person into custody for an emergency petition, he/she will immediately contact the Gun Center (1-855-677-6486) to determine if the person owns a regulated firearm.

When an officer files a petition for an emergency evaluation and has reasonable grounds to believe the person poses an immediate and present danger of causing personal injury to himself/herself or other persons by purchasing or possessing a firearm, the officer will also file a petition for an ERPO.

#### **340.11 TRAINING**

The Training Unit shall provide training to officers who may be involved in petitioning for or serving extreme risk protective orders. Training should include determining when a petition is appropriate, the process for seeking an extreme risk protective order, and the process for serving such an order.

## **Chapter 4 - Patrol Operations**

## Field Operations

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the agency's field operations function and address agency-wide cooperation and information sharing.

### 400.2 POLICY

The Maryland Natural Resources Police provides services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and agency members.

### 400.3 FUNCTION

The primary function of Field Operations Bureau is to provide a pro-active visual deterrent on Maryland's waterways and DNR-managed public lands. Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles and vessels throughout Maryland. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce federal and state laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Maintaining public order and the discovery of hazardous situations or conditions.
- (e) Responding to reports of both criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Traffic direction and control.
- (h) Crime prevention activities, such as natural resources compliance inspections, high-visibility patrols of DNR-managed public lands and vessel safety inspections.
- (i) Community-oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way and providing community presentations.
- (j) The application of resources to specific problems or situations within the community that may be improved or resolved by community-oriented policing and problem-solving strategies.
- (k) Response to security alarm calls on areas managed by Maryland Department of Natural Resources.



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### *Field Operations*

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#### **400.4 INFORMATION SHARING**

To the extent feasible, all information relevant to the mission of the Agency should be shared among all bureaus and specialized units on a timely basis.

Additionally, information should be shared with outside agencies and the public in conformance with agency policies and applicable laws.

#### **400.5 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, public displays, marine gatherings, and special events (e.g., fireworks displays, maritime festivals). Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

## Bias-Based Policing

<b>Effective Date:</b>	01/05/23
<b>Revised Date:</b>	REVIEWED--01/11/24
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--02/01/25

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to agency members that affirms the Maryland Natural Resources Police's commitment to policing that is fair and objective (Md. Code TR § 25-113).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the agency's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, immigration status (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

### 401.2 POLICY

The Maryland Natural Resources Police is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this agency to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 401.3.1 OTHER PROHIBITIONS

The Maryland Natural Resources Police prohibits the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle

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### *Bias-Based Policing*

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or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle (Md. Code PS § 3-207).

#### **401.4 MEMBER RESPONSIBILITIES**

Every member of this agency shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

##### **401.4.1 REASON FOR CONTACT**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., RMS incident report, RMS field arrest report, DELTA field interview report), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

##### **401.4.2 REPORTING TRAFFIC STOPS**

Officers shall not use an individual's race or ethnicity as the sole justification to initiate a traffic stop. However, this does not alter the authority of an officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations (Md. Code TR § 25-113).

Each time an officer makes a traffic stop, the officer shall report any information as required in the Safety Equipment Repair Orders (SERO), Traffic and Parking Citations Policy (Md. Code TR § 25-113).

#### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- A. Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- B. Supervisors should review Mobile Data Terminal (MDT) data, incident reports, citations and warnings, and any other available resource used to document contact between officers and the public during each officer's mid-cycle evaluation to ensure compliance with this policy.
  - 1. Supervisors should document these reviews on the NRP Mid-Cycle Memo form (NRP-920).
  - 2. Discussions referenced in paragraph A will be based on data obtained and reviewed by a supervisor from ETIX using Procedure 1600.

# Maryland Natural Resources Police

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### *Bias-Based Policing*

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- (a) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
  - (b) Once the data has been reviewed by the supervisor, the supervisor shall indicate their opinion as to the bias review on the NRP-920, enter the date reviewed and any comments as necessary.
- C. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- D. Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this agency who discloses information concerning bias-based policing.

#### **401.6 STATE REPORTING**

Traffic stop data is due to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year. The data is automatically submitted via E-tix (Md. Code TR § 25-113). This is accomplished by the entry of traffic stop information into Delta. This data submission is automated.

#### **401.7 ADMINISTRATION**

The Internal Affairs Unit should review the efforts of the Agency to provide fair and objective policing, including traffic stop data, and submit an annual report, including public concerns and complaints, to the Superintendent. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Superintendent to identify any changes in training or operations that should be made to improve service (Md. Code TR § 25-113). The annual report shall be made available to all supervisors.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

The Office of the Superintendent shall also review the annual report generated by the Maryland Statistical Analysis Center analyzing the information submitted by this and other law enforcement agencies (Md. Code TR § 25-113).

#### **401.8 TRAINING**

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

##### **401.8.1 ADDITIONAL STATE REQUIREMENTS**

Officers shall complete implicit bias testing and training approved by the Maryland Police Training and Standards Commission upon hiring and annually (Md. Code PS § 3-207).

## Crime and Disaster Scene Integrity

### 402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

### 402.2 POLICY

It is the policy of the Maryland Natural Resources Police to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

### 402.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the officer is properly relieved by a supervisor or other designated person.

### 402.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

### 402.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.

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### *Crime and Disaster Scene Integrity*

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Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### 402.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

## Tactical Response Team

<b>Effective Date:</b>	08/09/23
<b>Revised Date:</b>	REVIEWED--02/15/24
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--03/01/25	

### 403.1 PURPOSE

This SOP will identify the purpose and function of the Maryland Natural Resources Police (NRP), Tactical Response Team (TRT).

### 403.2 POLICY

The TRT provides a Special Weapons and Tactics capability in response to extraordinary law enforcement situations. The TRT delivers this capability to assist the other NRP Bureaus and allied agencies. The extraordinary situations that the TRT will respond to include, but are not limited to:

- (a) Warrant Service Operations
- (b) Woodland Tactical Operations
- (c) Maritime Tactical Operations
- (d) Force Protection Operations
- (e) Search and Rescue Operations
- (f) Surveillance Operations

### 403.3 DEFINITIONS

The following terms have the associated meanings with regard to this policy and the Maryland Natural Resources Police Tactical Response Team:

**After Action Review (AAR)** - A review of operational tasks and objectives designed to identify areas of improvement and sustainment.

**Air Purifying Respirator (APR)** - Face worn mask that removes contaminants from the air through the use of a filter. Also known as a gas mask.

**Call Out Response** - Any situation or event that requires the immediate deployment of off-duty operators.

**Chemical Munitions** - Any liquid, solid, or gas compound that works psychologically and/or physiologically to create discomfort in humans.

**Compliant Boarding** - A vessel boarding in which the operator and crew act in a non-resistive and agreeable manner.

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### *Tactical Response Team*

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**Confined Space** - A compartment of small size and limited access such as a double bottom tank, cofferdam, or other space, which by its confined nature can readily create or aggravate a hazardous exposure.

**Core Competencies** - Mission essential objectives identified as primary responsibilities of the TRT; Warrant Service Operations, Woodland Tactical Operations, Maritime Tactical Operations, Force Protection Operations, Search and Rescue Operations).

**Electrical Incapacitation Device** - A portable device which is designed or intended by the manufacturer to be used to temporarily immobilize or incapacitate persons by means of electric pulse or current, including devices operating by means of carbon dioxide propellant.

**Evidence Search** - A systematic and methodical search to identify/locate evidence.

**Infrastructure Threat Assessment** - An evaluation process that identifies hazards and vulnerabilities of a specific location, structure, or resource and provides corrective measures to reduce or mitigate those hazards and vulnerabilities.

**Kinetic Impact Munitions** - Less-lethal munition commonly referred to as “impact rounds” (i.e. baton, beanbag, glass breaker, etc.).

**Knock and Announce Entry** - Verbal notice, to include identity and purpose, required by law before entering a building during service of a search or arrest warrant.

**Less-Lethal Operator** - Operator certified in the employment, the application, use of force considerations and the legalities of less-lethal equipment.

**Maritime Security Zone** - Defined area with physical boundaries established by a governing body, which preclude unauthorized access (i.e. VIP visits, air box, etc.).

**Noise Flash Diversionary Device (NFDD)** - A device that creates a bright flash and loud report designed to temporarily divert the attention of persons in the immediate vicinity, giving tactical teams a window of opportunity to exploit to their advantage.

**No-knock Entry** - Any tactical operation in which law enforcement officers have been legally exempted from the usual requirements of knocking, identifying themselves and demanding entry.

**Non-Compliant Boarding** - A vessel boarding in which the operator or crew may act in a non-agreeable and resistive manner.

**Non-Government Organization (NGO)** - Any organization that is independent of any government (i.e. non-profit, volunteer, etc.).

**Other Government Organization (OGA)** - Usually a non-Department of Defense federal agency.

**Operational Plan (OPLAN)** - Any plan which seeks to achieve an acceptable resolution by allocating resources and affixing responsibilities to members of the team.

**Opposed Boarding** - A vessel boarding in which the crew/operator demonstrates active resistance in an effort to prevent the boarding team from gaining access to their vessel.



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**Personal Protection Detail** - Perform duties associated with providing protection to dignitaries, VIP's, witnesses, or others.

**Personal Protective Equipment (PPE)** - Protective clothing, helmets, goggles, flotation or other garments or equipment designed to protect the operator's body from injury or contamination.

**Precision Rifle Surveillance Team (PRST)** - Formally trained operator(s) whose mission includes intelligence gathering, observation, and the capability to deliver precision fire with specialized weapon system(s). Typically consists of a two-person team per area of responsibility with long-range optics and night-vision capability.

**Pre-Planned Mission** - Any operation, mission, or event with adequate notification of occurrence that allows future planning, resourcing, and scheduling of operators.

**Quick Reactionary Force (QRF)** - Operators capable of rapidly responding to developing situations or events.

**SOD Command** - Any ranking member or designee of the Special Operations Division given decision-making authority to supervise an operation.

**Special Operations Division (SOD)** - The Criminal Investigations and Response Team Unit; Special Services Bureau.

**Specialty Teams** - TRT elements consisting of the Tactical Breaching Team, Precision Rifle/Surveillance Team, and Less-Lethal Team.

**Surround and Callout** - A technique associated with a tactical element surrounding and establishing containment of an incident location before contact with occupants to facilitate a subsequent callout of those occupants in a controlled manner to a secured and safe area.

**Surveillance and Reconnaissance** - The act of gathering intelligence on suspect(s) strategy, movement, or environment in order to provide information to assist in the planning and decision making process.

**Tactical Breachers** - Formally trained operators that are proficient in forced entry methods and equipment.

**Tactical Commander** - The rank of Lieutenant or higher assigned a command by a higher authority for a specified mission. The identified individual will have attended a Tactical Commander course.

**Tactical Emergency Medical Support (TEMS)** - The provision of preventative urgent and emergent medical care during high-risk, extended duration and mission-driven law enforcement special operations.

**Tactical Track** - A technique using visual tracking skills in order to locate, pursue and/or capture subject(s) in a rural environment.

**TEMS Medical Threat Assessment and Operations Plan** - A plan that identifies potential medical threats to the officers involved. This plan is completed/reviewed prior to mission

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## Policy Manual

### *Tactical Response Team*

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deployment and should include potential/routine threats, environmental concerns, EMS staging/transport, and other hazards.

**Vehicle/Vessel Escort** - A fluid movement and maneuver of armed personnel and equipment providing protection for a high-value asset/resource.

**Vessel Barricade** - A situation or event in which a non-compliant criminal suspect(s) has occupied a fortified position in or on a vessel.

#### **403.4 STRUCTURE**

##### **403.4.1 RESPONSIBILITIES**

- (a) **SOD Commander** - The Criminal Investigations and Response Team Unit shall oversee the operations of the TRT. The SOD Commander shall provide direction to the TRT, and shall request necessary funding, resources, and adequate personnel to maintain the integrity and functionality of the TRT, as necessary.
- (b) **Criminal Investigations and Special Response Team Unit Commander** - The Lieutenant assigned to the Special Operations Division commanding these two units.
- (c) **Section Supervisor** - The Section Supervisor is responsible for the supervision of the TRT. The Supervisor shall;
  - 1. ensure the training standards are maintained and that missions and training are properly documented.
  - 2. assist in directing and allocating the resources necessary to acquire adequate training and equipment.
  - 3. oversee the selection process for assignments of new team members.
  - 4. Ensure compliance with **the annual reporting requirements related to search warrants (Md. Code PS § 3-523)**.
- (d) **Tactical Commander** - Is responsible for on-scene personnel, resources, and accomplishment of the assigned task(s).
- (e) **Tactical Response Team, Team Leader** - An individual (a NRP Corporal) responsible for the performance of the TRT. The team leader shall oversee all training, and be responsible for recording and maintaining all team records and documentation. The team leader will make recommendations for needed training and equipment needed by the TRT. He or she will identify and schedule specialized team training and coordinate monthly team training.
- (f) **Specialty Team Leader/Operator** - An operator who has requisite training and expertise in a specialized skill(s). This operator will assist the team leader with selecting/coordinating specialized skill training and the recommendation for purchase/maintenance of specialized equipment.
  - 1. Breaching Team Leader
  - 2. Precision Rifle/Surveillance Team Leader
  - 3. Less-Lethal Team Leader

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- (g) Operator - A sworn law enforcement officer trained, equipped and functioning as a TRT member.
- (h) Provisional Operator - An individual selected for assignment with the TRT. New operators will be in a probationary status until all required training is satisfactorily completed. Provisional operators will attend all team training and, at the discretion of the Unit Commander, can be used in support functions during TRT missions. The SOD Commander may terminate a provisional operator assignment on the team if the provisional operator fails to progress in their prescribed training, fails to follow instructions, fails to meet training standards, or is unable to maintain their current primary assignment to a satisfactory level.  
A provisional status may be extended for an operator based upon documented circumstances that warrant the extension.
- (i) Tactical Response Team, Support Personnel - An individual selected to perform tasks in support of the TRT based on their knowledge, training, or special skill sets. Individuals will be appointed by SOD Commander.

#### 403.4.2 PROCEDURES

- (a) The TRT will operate under the direct supervision of the Special Operations Division.
- (b) Team Leader- The TRT Team Leader position is a permanent full-time assignment. The Team Leader will work at the direction of the Section Supervisor and will assist with performing team administrative, training, operational, and maintenance functions.
  - 1. Selection- Applicants must be a current TRT member in good standing, submit a reassignment request, submit an interest form and resume to the Section Supervisor/SOD Commander. SOD Commander will make a recommendation based on the selection process.
  - 2. Resignation- Once an existing Team Leader no longer wishes to serve in that capacity, they will submit a Memo of Resignation and a Request for Reassignment to the SOD Lieutenant.
- (c) Specialty Team Leader- Selected by recommendation of the Section Supervisor/Team Leader to SOD Lieutenant based on experience, interest, and knowledge.
- (d) Operator- Selected by satisfying all training requirements of provisional operator phase.
- (e) Provisional Operator- Once a TRT Candidate has successfully completed the selection process the NRP Superintendent will authorize a Personnel Order, appointing the successful candidate as a Provisional Operator of the TRT. See the Selection Requirements section of this document.
- (f) Removal- Membership on the TRT is a privilege. TRT operators may be removed from the TRT upon a recommendation from the SOD Lieutenant made through the chain of command to the Special Services Bureau Chief for the following; failure to maintain team/operator standards, safety violations, documented poor performance or inability to maintain meets expectations on bi-annual evaluations.

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1. Upon receiving authorization to remove an operator from TRT, the SOD Commander will issue a memo removing the member. A copy of the memo will be issued to the affected officer and a copy will be placed in the officer's TRT Personnel File.
- (g) Resignation - Once an existing TRT Operator no longer wishes to serve on the TRT or in a specialty role, they will submit a Memorandum of Resignation to the SOD Commander. The Memo of Resignation will be placed in the TRT Personnel File.

## **403.5 STANDARDS**

### **403.5.1 RESPONSIBILITIES**

- (a) All operators are responsible for complying with the guidelines outlined in this SOP.
- (b) The Section Supervisor will ensure that all members meet the guidelines outlined in this policy.

### **403.5.2 PROCEDURES**

- (a) Operators are responsible for complying with all Agency and TRT policies and procedures.
  1. Any charge related to non-compliance with the rules, policies, and procedures of the NRP or the TRT may lead to suspension from the team. This recommendation will be made by the SOD Lieutenant in conjunction with the operator's Area/Unit Commander. The Special Services Bureau Chief will have final approval of any suspension, except in exigent circumstances that require immediate suspension.
- (b) Job Performance
  1. See Procedure 1000, Performance Appraisals, for more information.
- (c) Operators will respond to missions and training with all required equipment.
  1. Operators will reply with their availability to respond to mission/call-out requests received via email, text message, phone, or by radio within 30 minutes of notification unless on extended leave. Operators will not respond until authorized to do so by their Area/Unit Duty Officer or the SOD Duty Officer/TRT Supervisor.
  2. When arriving on the scene of a mission or training, all equipment will be properly serviced and operational. It is the responsibility of the operator to notify the Team Leader of any missing and/or non-operational equipment.
- (d) Operators are required to attend scheduled training assignments. Operators must request and be approved by the Section Supervisor or designee to be excused from pre-scheduled training.
  1. Training assignments are scheduled at the beginning of the calendar year and shared with all operators and their commanders. Every effort should be made by the operator to ensure that another event (i.e., court, in-service) is not scheduled on TRT training dates.

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2. It is the responsibility of the operator to ensure their pre-scheduled training dates and missions are entered onto their Area schedules.
  3. Operators that fail to attend two consecutive core competency training sessions will be placed in a non-operational status. Operators will return to an operational status upon completion of core competency training.
  4. The SOD Lieutenant will coordinate any related training outside of the pre-scheduled training dates with the operator's Area/Unit Commanders.
- (e) Operational status is defined by the following:
1. Compliance with all agency policies and procedures
  2. Training attendance
  3. Passing an annual fitness test. [PHYSICAL FITNESS STANDARDS](#)
  4. Scoring 90% or higher on NRP semi-annual pistol, rifle, and shotgun qualification courses.
  5. Achieving satisfactory ratings on his/her 6-month performance appraisals by Field Operations Supervisor.

#### **403.6 SELECTION**

##### **403.6.1 RESPONSIBILITIES**

- (a) The SOD will publish a vacancy announcement when a vacancy exists on the TRT.
- (b) The Section Supervisor will work with the SOD Lieutenant to prepare vacancy announcements, set testing dates and locations, and participate in the scoring and selection of candidates.
- (c) The SOD Commander will forward, through the chain of command, a list of recommended candidates to the Superintendent for final selection to the TRT.

##### **403.6.2 PROCEDURES**

- (a) Once a vacancy is identified, the agency will publish an announcement that will go out to all sworn officers.
- (b) All applicants must submit the required documents by the dates outlined in the announcement. Failure to do so will cause the candidate to be removed from consideration.
- (c) Applicants must successfully complete all phases of testing to be considered for membership on the TRT.
- (d) Eligibility
  1. Sworn officers of the NRP, holding the rank of Corporal and below are eligible for membership on the TRT.
  2. Applicants must be off their initial probationary period from initial hire to be able to put in for this extra-duty assignment.

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- (e) Officers and Corporals interested in joining the TRT will complete the following forms and return them to the directed person, by the deadlines set forth in the announcement:
  - 1. An interest form signed by the applicant, the applicant's immediate supervisor, and the Area Commander.
    - (a) By signing the interest form, the applicant's supervisors are endorsing the candidate, and acknowledging that the applicant is suitable for extra-duty assignment.
  - 2. A Transfer Request Form (NRP 466-T).
  - 3. Completed NRP Medical Waiver form, with a physician's original signature.
- (f) Applicants will be required to complete an approved SWAT school, Woodland Tactical Operations (WTO) course, and Basic Maritime Operators Course (BMOC).
- (g) The SOD Lieutenant may require applicants to complete an oral interview.
  - 1. The SOD Lieutenant will appoint the interview board.
- (h) The SOD Lieutenant will use the criteria set forth on the Reassignment and Acting Capacity Scoring Form (NRP-466-S) in order to rank the respective candidates.
- (i) Final selections will be forwarded through the chain of command to the NRP Superintendent for consideration.
- (j) Once the Superintendent approves the final selection, a Personnel Order will be posted, announcing the candidates as Provisional Members of the TRT.

#### **403.7 ACTIVATION**

- (a) The SOD Command or SOD Duty Officer will be responsible for activating team members.
- (b) During situations and events that require an emergency response, the SOD Command or SOD Duty Officer will dispatch available operators and coordinate with the respective Area Dos for additional operators as soon as practical.
- (c) For pre-planned missions, the SOD Lieutenant will request available operators through the Area DO/Commander. The Team Leader or designee will be responsible for checking the availability status of operators. An availability status roster will be provided to the SOD Lieutenant.
- (d) SOD Lieutenant shall maintain an up-to-date contact roster for all operators.
- (e) To facilitate the call-out process operators should be reachable at all times.
- (f) Operators must notify the SOD Lieutenant of any planned leave which will make them unavailable for missions (i.e. out-of-state vacation).

#### **ACTIVATION**

#### **403.8 OPERATIONS**

It shall be the responsibility of the SOD Lieutenant to ensure that each member is familiar with, and is supplied with a copy of operational guidelines.

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## OPERATIONAL PROCEDURES

### 403.9 HAZARDOUS ENVIRONMENT

- (a) The SOD Lieutenant will ensure that all training guidelines are completed in a satisfactory manner and the completion of the tasks are documented in accordance with this policy.
- (b) The Team Leader of each operation will ensure that these guidelines are followed as appropriate.
- (c) Operators will be familiar with these guidelines and procedures and will act in accordance with the guidelines.

## HAZARDOUS ENVIRONMENT PROCEDURES

### 403.10 UNIFORMS

- (a) The agency will provide operators with uniforms that provide protection and identification while engaged in missions and training.
- (b) Operators will properly maintain and care for all issued uniforms.

## UNIFORMS

### 403.11 EQUIPMENT

- (a) The agency will ensure that all required equipment is made available to operators of the TRT.
- (b) The TRT Team Leader, at the direction of the Section Supervisor, will ensure that all operators are issued the required equipment set forth below, and will request any equipment not immediately available through the chain of command.
- (c) The operator is responsible for the care and maintenance of all issued equipment.

## EQUIPMENT

### 403.12 SPECIALTY TEAMS

#### 403.12.1 RESPONSIBILITIES

- (a) The agency will ensure that training and equipment is made available to all specialty team operators according to the schedule outlined in this SOP.
- (b) The Section Supervisor will ensure that all training is conducted according to the guidelines outlined in this policy and that all training is properly documented according to this SOP.
- (c) Specialty Team operators are required to attend all scheduled training unless excused by the Section Supervisor or designee.
  - 1. It is the responsibility of the operator to enter pre-scheduled training dates on their Area/Unit's proposed schedule.

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2. Specialty Team members should make every effort not to schedule other training or assignments on specialty team training days.

#### 403.12.2 PROCEDURES

##### (a) Specialty Team Classifications and Requirements

1. Tactical Breacher. **TACTICAL BREACHING**
  - (a) Operator employing specialized tools, equipment, and techniques in the execution of forcible entry into/on a structure, vessel or vehicle.
  - (b) Requirements - Tactical Breaching Course- an approved tactical breaching course with instruction in Manual, Mechanical, Ballistic, Thermal, and Hydraulic breaching methods.
2. Precision Rifle/Surveillance Operator. **PRECISION RIFLE SURVEILLANCE TEAM**
  - (a) Operator employing precision weapons, equipment, and techniques in the execution of precision fire over watch, observation, surveillance, and intelligence gathering.
  - (b) Requirements - Successful completion of an approved sniper course.
3. Less-Lethal Operator. **LESS-LETHAL MEASURES**
  - (a) Operator employing NFDDs, kinetic impact munitions, chemical munitions, and electrical incapacitation devices.
  - (b) Requirements - successful completion of applicable trainer certification courses.

##### (b) Monthly Training

1. The SOD Commander will establish and distribute scheduled training dates before January 1 of each calendar year.
2. It will be the responsibility of the Team Leader, or his designee to ensure training is conducted in a safe, organized fashion and that the training is relevant and meaningful.
3. Training locations will vary, and every effort should be made to train in various environments and conditions throughout the State.
4. Training days will not be forfeited for missions unless approved by the SOD Commander.
5. Specialty Teams will train 8 hours per month in months having five Tuesdays, addition to monthly TRT training.

#### 403.13 TRAINING

The Agency will ensure that training is made available to all TRT operators according to the schedule established protocols. The training schedule will align with training standards and best practices as prescribed by the National Tactical Officers Association (NTOA) published April 2018.



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The TRT Team Leader will ensure that all training is conducted according to the established protocol and that all training is properly documented. The Section Supervisor will schedule monthly and in-service training dates by January 1st of each year.

#### TRAINING

## Ride-Alongs

### 404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Maryland Natural Resources Police. This policy provides the requirements, approval process, hours of operation and member responsibilities for ride-alongs.

### 404.2 POLICY

Ride-along opportunities will be provided to the members of the public, State employees and members of this agency to observe and experience first-hand various functions of the Maryland Natural Resources Police. The term "ride-along" includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Agency such as the Communications Center.

### 404.3 ELIGIBILITY

A ride-along is available to potential applicants and other interested persons. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to, the following:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against this agency or the State
- Denial by any supervisor

### 404.4 REQUESTS TO PARTICIPATE

Generally, ride-along requests will be maintained and scheduled by a supervisor. The applicant will complete and sign a ride-along waiver form (NRP-479, "Liability Release"). If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver's license number, birth date, address and telephone number.

The supervisor will schedule a date, based on availability. A copy of the NRP-479 will be maintained at the Area offices.

If the request is denied, a representative of this agency will advise the applicant of the denial.

### 404.5 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

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- Volunteers
- Chaplains
- Maryland Natural Resources Police applicants
- Any others with approval of the Area Commander

An effort will be made to ensure that no more than one member of the public will participate in a ride-along during any given time period. Normally, no more than one ride-along participant will be allowed in agency vehicles at a given time.

#### **404.5.1 OFF-DUTY PARTICIPATION**

Off-duty members of this agency or any other law enforcement agency, and employees of the State, will not be permitted to participate in a ride-along with on-duty members of this agency without the express consent of the Area Commander.

In the event that such participation is permitted, the off-duty agency member, other law enforcement agency personnel or State employee shall not:

- (a) Be considered on-duty.
- (b) Represent him/herself as a member of this agency or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

#### **404.5.2 CRIMINAL HISTORY CHECK**

All ride-along applicants are subject to a criminal history check. The criminal history check may include a DNR records check and a Maryland Criminal Justice Information System (CJIS) check prior to approval of the ride-along.

#### **404.5.3 SUITABLE ATTIRE**

Any person approved to participate in a ride-along or is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, t-shirts, tank tops, shorts and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the agency member involved. The involved agency member or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

#### **404.6 MEMBER RESPONSIBILITIES**

The assigned agency member shall consider the safety of the ride-along participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

- (a) The participant will follow the directions of the agency member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police agency equipment.

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- (c) Participation may be terminated at any time by the agency member if the participant interferes with the performance of the member's duties.
  - 1. If the participant is on a ride-along, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants, including civilians, volunteers and Reserve Officers who are not sworn law enforcement officers or NRP Cadets shall not be permitted to accompany the agency member into a private residence, or onto private property, without the express consent of the resident or other authorized person, except where exigent life-saving circumstances exist.

The member assigned to provide a ride-along shall advise the police communications operators that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high speed pursuit, and if feasible, let the participant out of the vehicle in a well-lit public place. The police communications operators will be advised of the situation and as soon as practicable have another agency member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to a supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the supervisor.

# Hazardous Material Response

## 405.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to agency members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

### 405.1.1 DEFINITIONS

Definitions related to this policy include:

**Hazardous material** - A substance which, by its nature, containment or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## 405.2 POLICY

It is the policy of the Maryland Natural Resources Police to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

## 405.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

## 405.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify the Communications Center, appropriate supervisors, the appropriate fire department and hazardous response units.
  - 1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective gear, being cognizant that some hazardous material can be inhaled.

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### *Hazardous Material Response*

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- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
  - 1. Placards or use of an emergency response guidebook.
  - 2. Driver's statements or shipping documents from the person transporting the material.
  - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
    - (a) The type of material.
    - (b) How to secure and contain the material.
    - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.
- (j) Activate automated community notification systems, if applicable.
- (k) Notify the county Department of Emergency Services.

#### **405.5 REPORTING EXPOSURE**

Agency members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member on the appropriate form that shall be forwarded to a supervisor and the Agency health officer as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

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#### 405.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

## Hostage and Barricade Incidents

### 406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure, vehicle, or vessel and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 406.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against his/her will under threat or actual use of force.

### 406.2 POLICY

It is the policy of the Maryland Natural Resources Police to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 406.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, negotiators from an allied agency should be requested to respond to the scene as soon as practicable and assume communication responsibilities.

#### 406.3.1 EMERGENCY COMMUNICATIONS

Officers may intercept a wire, oral or electronic communication in order to provide evidence if a person has created a barricade situation and there is probable cause to believe a hostage may be involved (Md. Code CJ § 10-402(c)(2)).



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### *Hostage and Barricade Incidents*

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If the Superintendent or a supervising officer has probable cause to believe that a hostage situation is occurring or that a person is barricaded within a structure and poses an immediate threat of physical injury to others, he/she may order the telephone company to interrupt, reroute, divert or otherwise control telephone service involved in the hostage or barricade situation (Md. Code CJ § 10-413(c)).

The Superintendent or supervising officer shall give a written or oral representation of the hostage or barricade situation to the telephone company. If an order is given on the basis of an oral representation, the oral representation shall be followed by a written confirmation within 48 hours (Md. Code CJ § 10-413(e)).

For the purposes of this section, “supervising officer” means an officer as defined in Md. Code CJ § 10-413(g).

#### **406.4 FIRST RESPONDER CONSIDERATIONS**

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor’s response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

##### **406.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., TRT, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

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### *Hostage and Barricade Incidents*

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- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Agency, such as allied agencies within the jurisdiction, command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

#### 406.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., TRT, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

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### *Hostage and Barricade Incidents*

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- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Agency, such as allied agencies within the jurisdiction, command officers and the Public Information Officer (PIO).
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

#### **406.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting Tactical Response Team (TRT) response if appropriate and apprising a Special Operations Division (SOD) Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized assignment members, additional agency members, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the area during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the agency PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

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### *Hostage and Barricade Incidents*

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#### **406.6 TRT RESPONSIBILITIES**

It will be an SOD Commander's decision, with input from the Incident Commander, whether to deploy the TRT during a hostage or barricade situation. Once a SOD Commander authorizes deployment, the Response Teams Supervisor or the authorized designee will be responsible for the tactical response. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the TRT. The Incident Commander and the SOD Commander or the authorized designees shall maintain direct communications at all times.

#### **406.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

## Response to Bomb Calls

### **407.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to assist members of the Maryland Natural Resources Police in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

### **407.2 POLICY**

It is the policy of the Maryland Natural Resources Police to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### **407.3 RECEIPT OF BOMB THREAT**

Agency members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established agency evidence procedures.

The member receiving the bomb threat should ensure that a supervisor is immediately advised and informed of the details. This will enable the supervisor to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

### **407.4 GOVERNMENT FACILITY OR PROPERTY**

A bomb threat targeting a government facility may require a different response based on the government agency.

#### **407.4.1 DEPARTMENT OF NATURAL RESOURCES FACILITY**

If the bomb threat is against a Natural Resources facility, the supervisor will direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

#### **407.4.2 OTHER MUNICIPAL FACILITY OR PROPERTY**

If the bomb threat is against a municipal facility within the jurisdiction of the Maryland Natural Resources Police that is not the property of this agency, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the supervisor deems appropriate.

The Tawes State Office Building where NRP Headquarters is located is owned by the Department of General Services and primary law enforcement functions are performed by the Maryland Capitol Police.

# Maryland Natural Resources Police

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### *Response to Bomb Calls*

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#### 407.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

#### 407.5 PRIVATE FACILITY OR PROPERTY

When a member of this agency receives notification of a bomb threat, whether in Maryland or another location outside the State, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  - 1. No evacuation of personnel and no search for a device.
  - 2. Search for a device without evacuation of personnel.
  - 3. Evacuation of personnel without a search for a device.
  - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that a supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

#### 407.5.1 ASSISTANCE

A supervisor should be notified when police assistance is requested. The supervisor will make the decision whether the Agency will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the supervisor determine that the Agency will assist or control such an incident, the supervisor will:

- (a) Determine the appropriate level of assistance.
- (b) If NRP is the lead responding agency, the supervisor should determine:
  - 1. The plan for assistance.
    - (a) Whether to evacuate and/or search the facility.
    - (b) Whether to involve facility staff in the search or evacuation of the building.
      - i. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.

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- ii. The safety of all participants is the paramount concern.
- (c) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

#### **407.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by a bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the supervisor including:
  - 1. The time of discovery.
  - 2. The exact location of the device.
  - 3. A full description of the device (e.g., size, shape, markings, construction).
  - 4. The anticipated danger zone and perimeter.
  - 5. The areas to be evacuated or cleared.

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### *Response to Bomb Calls*

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#### **407.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

##### **407.7.1 CONSIDERATIONS**

responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

##### **407.7.2 NOTIFICATIONS**

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Regional bomb squad
- Additional agency personnel, such as investigators and forensic services
- A Supervisor
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

#### **407.8 CROWD CONTROL**

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.



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#### 407.8.1 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The initial responding officer or supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

## Mental Health Evaluations/Emergency Petitions

### 408.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under temporary custody for an involuntary mental health hold at an appropriate facility.

### 408.2 POLICY

It is the policy of the Maryland Natural Resources Police to protect the public and individuals through legal and appropriate use of the mental health hold process.

### 408.3 AUTHORITY

An officer may take a person into temporary custody for transfer to an appropriate facility if the person has a mental disorder and the person presents a danger to the life or safety of him/herself or others.

#### 408.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a mental health hold, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the individual so desires, the officers should (Md. Code HG § 10-609):

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a mental health hold.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his/her mind regarding voluntary evaluation, the officers should proceed with the involuntary emergency mental evaluation, if appropriate.

### 408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who qualifies for a mental health hold should personally observe the individual or his/her behavior indicating that the individual has a mental disorder and presents a danger to the life or safety of him/herself or others. The officer may also use other pertinent information, including observations and information from other credible sources, in making a determination regarding a petition for emergency evaluation (Md. Code HG § 10-622(a); Md. Code HG § 10-622(b)).

The officer who makes the decision to petition for an emergency evaluation shall complete and sign the petition, which will include all of the pertinent observations by the officer or other interested persons.

If the individual is taken into temporary custody from another person who is the petitioner for an emergency evaluation, the officer shall explain to the petitioner the meaning, content, and seriousness of the petition (Md. Code HG § 10-622(d)).

Mental health holds and placements should be preferred over arrest for individuals with mental health issues who are suspected of committing minor crimes or creating other public safety issues.

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### *Mental Health Evaluations/Emergency Petitions*

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#### **408.5 TRANSPORTATION**

An officer shall transport an individual with an emergency evaluation to the nearest emergency facility when the officer has a petition that (Md. Code HG § 10-624(a)(1)):

- (a) Has been endorsed by a court within the last five days.
- (b) Is signed and submitted by a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, health officer or designee of a health officer, or a peace officer.

When transporting any individual for a mental health hold, the transporting officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed (Md. Code HG § 10-624).

Officers may transport individuals in the patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, supervisory approval is required before transport commences.

#### **408.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a mental health hold and remain present to provide clarification of the grounds for detention, upon request.

Should a physician, physician assistant, nurse practitioner, or other advanced practice professional working in an emergency facility determine that the individual transported to the facility is violent and request that an officer be present, an officer is required to remain at the facility (Md. Code HG § 10-624(a)).

The officer shall complete a Return of Service by Peace Officer Form (CC-DC 27), as appropriate, and have the facility sign the form.

#### **408.7 DOCUMENTATION**

The officer shall complete the following forms for evaluation and treatment, provide the forms to the facility staff member assigned to the individual and retain a copy for inclusion in the case report:

- Petition for Emergency Evaluation Form (CC-DC 13)
- Certification by Peace Officer Form (CC-DC 14)
- Order for Emergency Evaluation of an Arrested Individual (DC 15)
- Return of Service by Peace Officer Form (CC-DC 27)

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

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The officer shall include in the narrative sections of the Petition for Emergency Evaluation and the Incident Report the facts, observations and information known to the officer, or provided by others, that the individual is suffering from a mental disorder and warrants the issuance of the Petition for Emergency Evaluation, including:

- Symptoms of mental disorder
- Dangerous behavior
- History of mental disorder psychiatric hospitalization or treatment
- Statements made by the individual

#### **408.7.1 CONFIDENTIALITY**

Records relating to mental health evaluations are confidential and the contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown or as allowed by law (Md. Code HG § 10-630).

#### **408.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on a mental health hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a mental health hold has committed a criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the mental health hold.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a mental health hold.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this agency to regain custody of the individual, agency resources (e.g., posting a guard) and other relevant factors in making this decision.

The court may issue emergency evaluations for arrested individuals and, unless the court directs otherwise, an officer shall stay with the arrested individual until he/she is either admitted to an appropriate facility, or is returned to the court or an appropriate jail (Md. Code HG § 10-626(c)).

If the arrested individual does not meet the requirements for involuntary admission, the examining physician shall send a brief report of the evaluation to the court and the officer shall return the arrested individual, the court order and the report of the examining physician to the court. If the court is not in session, the officer shall take the arrested individual to an appropriate jail and,

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before the end of the next day that the court is in session, return the individual and the report of the examining physician to the court (Md. Code HG § 10-626(d)).

#### **408.9 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into custody for a mental health hold, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

#### **408.10 TRAINING**

This agency will endeavor to provide agency-approved training on interaction with mentally disabled persons, mental health holds and crisis intervention.

## Citation Releases

### 409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Maryland Natural Resources Police with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

### 409.2 POLICY

The Maryland Natural Resources Police will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

### 409.3 RELEASE

An officer shall charge a suspected offender by citation as follows (Md. Code CP § 4-101(c)):

- (a) Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment.
- (b) Any other misdemeanor or local ordinance violation not involving serious injury or an immediate health risk for which the maximum penalty of imprisonment is 90 days or less.
- (c) Possession of cannabis under Md. Code CR § 5-601.
- (d) Any violation of the Natural Resources article or COMAR violation under Title 08.

#### 409.3.1 ARREST AND RELEASE

An officer who has grounds to make a warrantless arrest for an offense that may be charged by citation may (Md. Code CP § 4-101(c)(3)):

- (a) Issue a citation in lieu of making the arrest.
- (b) Make the arrest and subsequently issue a citation in lieu of continued custody.

Citations are to be forwarded to the court on the Daily Transmittal form DC/CR 95A within seven days after they are issued. This transmittal form differs from that traditionally used for submitting Natural Resources Citations.

### 409.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when the misdemeanor or local ordinance violation involves any of the following (Md. Code CP § 4-101(c)(1)):

- (a) Failure to comply with a peace order under Md. Code CJ § 3-1508.
- (b) Failure to comply with a protective order under Md. Code FL § 4-509.
- (c) Violation of a condition of pretrial or post trial release under Md. Code CP § 5-213.1.

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### *Citation Releases*

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- (d) Possession of an electronic control device after conviction of a drug felony or crime of violence under Md. Code CR § 4-109(b).
- (e) Violation of an out-of-state domestic violence order under Md. Code FL § 4-508.1.
- (f) Abuse or neglect of an animal under Md. Code CR § 10-604.

See the Domestic Violence Policy for release restrictions related to those investigations.

#### **409.5 CONSIDERATIONS**

An officer may charge a defendant by citation provided (Md. Code CP § 4-101(c)(2)):

- (a) The officer is satisfied with the defendant's evidence of identity.
- (b) The officer reasonably believes that the defendant will comply with the citation.
- (c) The officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety.
- (d) The defendant is not subject to arrest for an alleged misdemeanor involving serious injury or immediate health risk or an alleged felony arising out of the same incident.
- (e) The defendant is not subject to arrest based on an outstanding arrest warrant.
- (f) The defendant complies with all lawful orders by the officer.

# Foreign Diplomatic and Consular Representatives

## 410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Maryland Natural Resources Police extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 410.2 POLICY

The Maryland Natural Resources Police respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 410.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.



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### *Foreign Diplomatic and Consular Representatives*

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#### **410.4 ENFORCEMENT ACTION**

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers

#### **410.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

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### Foreign Diplomatic and Consular Representatives

#### 410.6 DIPLOMATIC IMMUNITY

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
<b>Diplomatic Agent</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts  Testimony may not be compelled in any case	No for official acts  Yes otherwise (note (a))	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts  Yes otherwise.	No for official acts  Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note (a))	Yes	Yes	No-for official acts  Yes otherwise	No for official acts  Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Int'l Org Staff (note (b))</b>	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts  Yes otherwise (note (c))	No immunity or inviolability

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<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

## Rapid Response and Deployment

### 411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

### 411.2 POLICY

The Maryland Natural Resources Police will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Agency in protecting themselves or others from death or serious injury.

### 411.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

### 411.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

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- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

#### **411.5 PLANNING**

The Area Commanders should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as DNR offices, facilities on DNR public lands, indoor and outdoor events at DNR facilities or public lands or on the waters of the State.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with allied law enforcement agencies and site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

##### **411.5.1 SCHOOL RESPONSE PLANNING**

Emergency response planning for schools should include:

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- (a) Collaboration with the local law enforcement agencies to establish written procedures for responding to emergencies at each public school within the jurisdiction.
- (b) Coordination with the local law enforcement agencies to provide assistance for the completion of active shooter drills..

#### **411.6 TRAINING**

The Training Unit Commander should ensure that rapid response training to critical incidents is included in the Agency training plan. This training should address:

- (a) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (b) First aid, including gunshot trauma.
- (c) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

The Training Unit Commander, in conjunction with Area Commanders, should coordinate the following training:

- (a) Orientation to likely critical incident target sites, such as DNR offices, facilities on DNR public lands, indoor and outdoor events at DNR facilities or public lands or on the waters of the State.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Participation in scenario-based training with allied agencies.

# Immigration Violations

## **412.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to members of the Maryland Natural Resources Police relating to immigration and interacting with federal immigration officials.

## **412.2 POLICY**

It is the policy of the Maryland Natural Resources Police that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this agency in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

To support the development of strong partnerships with all members of the diverse residents and users of Maryland's Natural Resources our officers do not make inquiries into the citizenship or immigration status of the individuals we interact with, and we do not enforce civil immigration laws.

## **412.3 VICTIMS AND WITNESSES**

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Maryland constitutions.

## **412.4 INTERACTIONS WITH FOREIGN NATIONALS**

The indiscriminate questioning of individuals about their citizenship status without a reasonable basis for suspicion of a criminal charge is unconstitutional.

Officers will not request specific documents for the sole purpose of determining a person's immigration status. A general request for adequate identification as part of a criminal investigation or to issue a Citation/Notice of Violation is typically all that is necessary or appropriate. Employees may rely on immigration documents to establish someone's identity if they are the person's only source of identification.

## **412.5 DETENTIONS**

An officer shall not inquire about a person's citizenship, immigration status, or place of birth during a detention, a search, or an arrest unless doing so is material to a criminal investigation or intended to provide the person legal protection under the law and the person is advised any related disclosure on the person's part is voluntary (e.g., diplomatic or consular protections) (Md. Code CP § 5–104).

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Md. Code CP § 5–104).

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An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, the officer may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

#### **412.5.1 SUPERVISOR RESPONSIBILITIES**

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see Law Enforcement Authority Policy).

#### **412.6 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

#### **412.7 FEDERAL REQUESTS FOR ASSISTANCE**

All operational requests for assistance from ICE will be case specific and will require the approval of the Superintendent. Nothing in this policy prohibits officers from responding to or being on the scene of any federal enforcement initiative in order to maintain safety in exigent circumstances. The Agency may provide available support services, such as traffic control or peacekeeping efforts.



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#### **412.8 INFORMATION SHARING**

No member of this agency will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials.
- (b) Maintaining such information in agency records.
- (c) Exchanging such information with any other federal, state, or local government entity.

##### **412.8.1 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a criminal immigration warrant. Notification to the federal authority issuing the detainer should be made prior to the release.

#### **412.9 U VISA AND T VISA NON IMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Task Force Unit. The Task Force supervisor should:

- (a) Consult with the assigned officer to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

#### **412.10 TRAINING**

The Training Unit Commander should ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations or warrants.

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- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

## Crisis Intervention Incidents

### 413.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

### 413.2 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 413.3 POLICY

The Maryland Natural Resources Police is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Agency will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 413.4 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear or consequences
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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#### **413.5 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

Each Area Commander should collaborate with local mental health professionals to develop a response protocol. It should include a list of community resources, to guide agency interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

#### **413.6 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Attempt to determine if weapons are present or available.
- (c) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate
- (d) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

##### **413.6.1 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving an individual who may be experiencing a mental health crisis should consider, as time and circumstances reasonably permit (Md. Code HG § 10-622(b)):

- (a) Available information that might assist in determining the cause and nature of the individual's actions or stated intentions.

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- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of officers and others.

#### **413.7 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

#### **413.8 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the police communications operators provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

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- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

#### **413.9 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Bureau Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

#### **413.10 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to agency reporting procedures or other official mental health or medical proceedings.

##### **413.10.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Mental Health Evaluations Policy.

#### **413.11 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS**

Civilian or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

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- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

#### **413.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Agency will develop and provide comprehensive education and training to all agency members to enable them to effectively interact with persons in crisis.

# Aircraft Crashes

## 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide agency members with guidelines for handling aircraft crashes.

This policy does not supersede, and is supplementary to applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

### 414.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

## 414.2 POLICY

It is the policy of the Maryland Natural Resources Police to provide an appropriate emergency response to aircraft crashes. This includes emergency medical care and scene management.

## 414.3 REFERENCES

Md. Code Ann., Transp. § 5-206 (2024)

## 414.4 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the crash site.
- (f) Consider implementation of an Incident Command System (ICS).

## 414.5 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.



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#### **414.6 NOTIFICATIONS**

When an aircraft crash is reported to this agency, the responding supervisor shall ensure notification is or has been made to the Maryland State Police, NTSB at (202) 314-6290, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft crash has been reported. The notifications will vary depending on the type of crash, extent of injuries or damage, and the type of aircraft involved. When an aircraft crash has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)
- (d) NRP SOD Duty Officer

#### **414.7 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the following:

- (a) Maryland State Police (MSP)
- (b) FAA.
- (c) Fire department, EMS or other assisting law enforcement agencies.
- (d) Medical Examiner.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., HAZMAT teams, biohazard decontamination teams, fuel recovery specialists, explosive ordinance disposal specialists).

The MSP and/or NTSB has primary responsibility for investigating crashes involving civil aircraft (Md. Code Ann., Transp. § 5-206(c)(2) (2024)). In the case of a military aircraft crashes, the appropriate branch of the military will have primary investigation responsibility.

After the MSP, NTSB or military representative arrives on scene, the efforts of this agency will shift to a support role for those agencies.

If MSP, NTSB or a military representative determines that an aircraft or crash does not qualify under its jurisdiction, the on-scene agency supervisor should ensure the crash is still appropriately investigated and documented.

#### **414.8 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- Fuel, chemicals, explosives, biological, radioactive materials, bombs or other ordnance.

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- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.
- Evacuation chutes, ballistic parachute systems and composite materials.

#### **414.9 DOCUMENTATION**

All aircraft crashes that NRP responds to shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of NRP members deployed to assist; other State resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented in the appropriate incident report.

##### **414.9.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

##### **414.9.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the crash site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the crash witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the crash, even if not yet interviewed.

#### **414.10 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. This may include referral of all media requests to the appropriate investigating agency. Any release of information regarding details of the crash itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

## Field Training Officers

### 415.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures and operations of the Maryland Natural Resources Police. The policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO) (COMAR 12.04.01.17(F)).

### 415.2 POLICY

It is the policy of the Maryland Natural Resources Police that all newly graduated probationary officers will participate in field training that is staffed and supervised by trained and qualified FTOs.

### 415.3 FIELD TRAINING

The Agency shall establish minimum standards for field training, which should be of sufficient duration to prepare officer trainees for law enforcement duties and be in compliance with state mandates related to field training (COMAR 12.04.01.17). The field training is designed to prepare trainees for a patrol assignment and ensure they acquire the skills needed to operate in a safe, productive and professional manner, in accordance with the general law enforcement duties of this agency.

Field training (COMAR 12.04.01.17):

- (a) Shall include activities designed to familiarize the individual with the duties of the officer position, as defined and administered by this agency.
- (b) May be conducted in conjunction with an entrance-level training program or a separate training activity provided by this agency.
- (c) Shall be no less than the Maryland Police Training and Standards Commission (MPTSC)-required duration.
- (d) Shall be monitored by a certified officer.
  - 1. Trainees shall be under the direct supervision of an FTO or other approved officer as provided in COMAR 12.04.01.17(G).
- (e) Should include procedures for:
  - 1. Issuance of training materials to each trainee at the beginning of his/her field training.
  - 2. Daily, bi-weekly and end of phase evaluation and documentation of the trainee's performance.
  - 3. A multiphase structure that includes:
    - (a) A formal evaluation progress report completed by the FTOs involved with the trainee and submitted electronically to the Commander and FTO coordinator.

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- (b) Assignment of the trainee to a variety of shifts and geographical areas.
  - (c) Assignment of the trainee to a rotation of FTOs in order to provide for an objective evaluation of the trainee's performance.
- 4. The trainee's confidential evaluation of his/her assigned FTOs and the field training process.
- 5. Retention of all field training documentation in the officer trainee's training file including (COMAR 12.04.01.17(H)):
  - (a) All performance evaluations.
  - (b) A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.
- 6. Remedial training guidelines.

#### **415.4 FTO COORDINATOR**

The Training Unit Commander is the designated FTO coordinator. (COMAR 12.04.01.17(C)).

The FTO coordinator along with the Entry Level Training Section supervisor will assist in the coordination of FTOs and their activities.

The responsibilities of the coordinator include, but are not limited to:

- (a) Coordinating FTO assignments with Area Commanders.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO and trainee performance evaluations are completed.
- (d) Maintaining, updating and issuing agency training materials to each FTO and trainee.
- (e) Developing ongoing training for FTOs.
- (f) Mentoring and supervising, through periodic interaction with PO and FTOs.
- (g) Monitoring the overall performance of field training.
- (h) Reviewing evaluations of the trainees' progress and providing supplemental training tools if necessary
- (i) Maintaining liaison with FTO coordinators from other law enforcement agencies.
- (j) Performing other duties as directed by the Support Services Bureau Commander.
- (k) Completing and submitting a written statement to the MPTSC indicating that each recruit has successfully completed the required Commission-approved field training (COMAR 12.04.01.17 G (4) (a)).
- (l) Establishing guidelines and procedures for the evaluation of FTOs and trainees (COMAR 12.04.01.17(F)).

##### **415.4.1 FTO COORDINATOR TRAINING**

The FTO coordinator is required to successfully complete the following courses prior to appointment to this position (COMAR 12.04.01.17(C)):

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- (a) An MPTSC-approved supervisor training course.
- (b) An MPTSC-approved FTO course.

#### **415.5 AREA COMMANDER RESPONSIBILITIES**

The Area Commander in coordination with the FTO Coordinator will select an FTO from a list of eligible Officers, for the Probationary Officers assigned area.

- (a) Selections of these candidates will be based on the enhanced criteria, and on recommendations from staff and District Sergeant.
- (b) Careful consideration must be given to the candidate's ability to project a professional image and be a positive role model for probationary officers.

Area Commanders are also required to review and sign, as appropriate, Daily Observation Reports, End of Phase Reports, and Supervisor Bi-Weekly Reports for all probationary officers assigned to their Areas. Area Commanders should also ensure consistency of the FTO Program.

#### **415.6 FTO SELECTION, TRAINING AND RESPONSIBILITIES**

##### **415.6.1 SELECTION PROCESS**

The selection of an FTO will be at the discretion of the Superintendent or the authorized designee.

Selection will be based on the officer's:

- (a) Desire to be an FTO.
- (b) Holding the rank of Officer First Class or higher and be off probation.
- (c) Demonstrated ability as a positive role model.
- (d) Possession of outstanding interpersonal communication skills, demonstrating an aptitude for instructing and training,
- (e) Have received at least "satisfactory" ratings on the last two most recent evaluations
- (f) Not be subject to pending investigation, disciplinary or administrative action
- (g) Be highly-motivated as determined through self-initiated activity,
- (h) Possession of, or ability to obtain, agency-approved certification.
- (i) Approval by the MPTSC as an FTO (COMAR 12.04.01.17(D)).

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct or poor performance.

##### **415.6.2 TRAINING**

An officer selected as an FTO shall successfully complete an MPTSC-approved FTO course prior to being assigned as an FTO (COMAR 12.04.01.17(D)).

No member of this Agency will conduct any FTO training whatsoever unless the member:

- (a) is certified by MPCTC as an FTO, and
- (b) meets the requirements listed in this policy, or

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- (c) is exempted from a specific FTO activity as listed in (COMAR 12.04.01.17g3a & b).

All FTOs shall successfully complete an FTO update course approved by the MPTSC every four years while assigned to the duty of FTO (COMAR 12.04.01.17(D)).

#### 415.6.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations and objectives of the FTO position. FTOs should refer to their training materials or the FTO coordinator regarding specific questions related to FTO or field training.

#### 415.6.4 RESPONSIBILITIES OF THE FIELD TRAINING OFFICER

The responsibilities of the FTO include, but are not limited to (COMAR 12.04.01.17(F)):

- (a) Issuing his/her assigned trainee field training materials in accordance with the Training Policy.
  - 1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
  - 2. The FTO shall sign off all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of his/her assigned trainee.
- (b) Completing and reviewing daily performance evaluations with the trainee each day.
- (c) Completing a detailed bi-weekly performance evaluation of his/her assigned trainee at the end of each week.
- (d) Completing an end of phase evaluation report of his/her assigned trainee.
- (e) Providing the FTO supervisor with a daily synopsis of the trainee's activities or immediately for any unusual occurrences needing guidance or clarification.

## Air Support

### 416.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies situations where the use of air support may be requested and the responsibilities for making a request.

### 416.2 POLICY

It is the policy of the Maryland Natural Resources Police to prioritize requests for air support to enhance law enforcement objectives and provide additional safety to officers and the community.

### 416.3 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made.

#### 416.3.1 CIRCUMSTANCES FOR REQUESTS

Law enforcement air support may be requested under conditions that include, but are not limited to:

- (a) Whenever the safety of officers or the community is in jeopardy and the presence of air support may reduce such hazard.
- (b) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to officers or the community.
- (c) When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.
- (d) Vehicle pursuits.
- (e) Pre-planned events or actions that require air support.
- (f) When air support is activated under existing mutual aid agreements.
- (g) When the Duty Officer or equivalent authority determines a reasonable need exists.

#### 416.3.2 ALLIED AGENCY REQUESTS FOR AVIATION SUPPORT

After a determination that air support is required, the supervisor or the authorized designee will call the Special Services Bureau Duty Officer to ascertain the availability of the Aviation Section. If unavailable, the closest agency having available air support will be contacted. The supervisor or authorized designee will apprise that agency of the specific details of the incident prompting the request.



## Contacts and Temporary Detentions

### 417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

#### 417.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Natural Resource Inspections** - An encounter with a person by an officer to inspect required licenses and check harvest for compliance with state and federal laws and regulations.

**Pat-down search** - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

### 417.2 POLICY

The Maryland Natural Resources Police respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations and constitutional safeguards.

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#### **417.3 TEMPORARY DETENTIONS**

At the commencement of any temporary detention, absent exigent circumstances, an officer should (Md. Code CP § 2-109):

- (a) Display identification to the temporarily detained individual.
- (b) Provide the individual with the officer's name and four-digit identification number, the name of the Agency, and the reason for the contact.

#### **417.4 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Maryland Natural Resources Police to strengthen community involvement, community awareness, and problem identification.

##### **417.4.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

#### **417.5 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

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- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

#### **417.5.1 LIMITED SEARCH FOR WEAPONS**

An officer may make an inquiry and conduct a limited search of a person if, in light of the officer's observations, information and experience, the officer reasonably believes that (Md. Code CR § 4-206):

- (a) A person may be wearing, carrying or transporting a handgun in violation of the law.
- (b) Because the person possesses a handgun, the person is or presently may be dangerous to the officer or to others.
- (c) Under the circumstances, it is impracticable to obtain a search warrant.
- (d) To protect the officers or others, swift measures are necessary to discover whether the person is wearing, carrying or transporting a handgun.

#### **417.6 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

##### **417.6.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent.

##### **417.6.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

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If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

#### **417.6.3 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted with either an associated Delta FIR or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the supervisor should review and approve the Delta FIR.

- (a) If the photograph and associated Delta FIR or documentation is relevant to criminal organization/enterprise enforcement, the supervisor will forward the photograph and documents to the Intelligence and Homeland Security Unit supervisor. The Intelligence and Homeland Security Unit supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be destroyed.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

#### **417.6.4 SUPERVISOR RESPONSIBILITIES**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

#### **417.7 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
  - 1. When feasible, a written or recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.

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2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a written or recorded statement. Such witnesses, if willing, may be transported in agency vehicles.
  1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

# Criminal Organizations

## 418.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Maryland Natural Resources Police appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 418.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 418.2 POLICY

The Maryland Natural Resources Police recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this agency to collect and share relevant information while respecting the privacy and legal rights of the public.

## 418.3 CRIMINAL INTELLIGENCE SYSTEMS

No agency member may create, submit to or obtain information from a criminal intelligence system unless the Superintendent has approved the system for agency use.

Any criminal intelligence system approved for agency use should meet or exceed the standards of 28 CFR 23.20.

The Homeland Security and Intelligence Unit supervisor will be responsible for maintaining each criminal intelligence system that has been approved for agency use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

### 418.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this agency, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Homeland Security and Intelligence Unit. Any supporting documentation for an entry shall be retained by the Homeland Security and

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### *Criminal Organizations*

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Intelligence Unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The Unit supervisor should ensure that any documents retained by the Homeland Security and Intelligence Unit are appropriately marked as intelligence information. The Unit supervisor may not purge such documents without the approval of the Bureau Commander.

#### **418.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the agency-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the Homeland Security and Intelligence Unit supervisor responsible for consideration of criminal intelligence system entries.

##### **418.4.1 FILE CONTENTS**

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible agency supervisor.
- (b) Should not be originals that would ordinarily be retained by the Property Storage Area, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, the Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

##### **418.4.2 FILE REVIEW AND PURGING**

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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#### **418.5 INFORMATION RECOGNITION**

Agency members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

The Homeland Security and Intelligence Unit supervisor should work with the Training Unit to train agency personnel in the identification of information that may be particularly relevant for inclusion in authorized criminal intelligence systems.

#### **418.6 RELEASE OF INFORMATION**

Agency members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to agency members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

#### **418.7 CRIMINAL STREET GANGS**

The Criminal Investigations supervisor should ensure that there are an appropriate number of agency members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal organizations, criminal organization members, and patterns of organized crime activity (Md. Code CR § 9-801 et seq.).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

#### **418.8 TRAINING**

The Homeland Security and Intelligence Unit Supervisor in coordination with the Training Unit should assist in providing training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.



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- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

## Duty Officers

### 419.1 PURPOSE AND SCOPE

This policy provides guidelines for the designation of a daily Duty Officer.

### 419.2 POLICY

Duty Officers shall be capable of making decisions and managing in a manner consistent with the mission of the Maryland Natural Resources Police. To accomplish this, a Sergeant or above shall be designated as the Duty Officer.

### 419.3 DUTY OFFICER RESPONSIBILITIES

The Duty Officer shall have overall responsibility and accountability for the operation of their assigned command. The Duty Officer serves as a point of contact in the absence of a member's immediate supervisor or Commander. Duties may include, but are not limited to:

- (a) Ensuring sufficient members are on-duty to accomplish the mission of the Maryland Natural Resources Police.
- (b) Providing command-level oversight of major crime scenes, tactical situations or disasters.
- (c) Directing enforcement priorities.
- (d) Providing job-related training and guidance to subordinates.
- (e) Acquiring outside resources or providing assistance to other agencies, when applicable.
- (f) Handling service inquiries or complaints from the public.
- (g) Acting as the Public Information Officer when appropriate.
- (h) Ensuring the proper equipment and vehicles are available for member use.

# Mobile Data Terminal Use

## 420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between agency members and the Communications Center.

### 420.1.1 DEFINITIONS

Definitions related to this policy include:

**Mobile Data Terminal (MDT)** – Refers to the actual computer (hardware)

**Mobile Data Terminal (MDT) System** – Refers to the computer and associated systems that may be accessed utilizing the MDT.

## 420.2 POLICY

Maryland Natural Resources Police members using the MDT system shall comply with all appropriate federal and state rules and regulations and shall use the MDT system in a professional manner, in accordance with this policy. All NRP employees shall also abide by the State's Information Technology Security Policy and Standards.

## 420.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

## 420.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use Policy. Officers (lieutenants and below) assigned to field operations shall utilize the MDT system while on-duty, subject to the limitations of the network connectivity.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT system by another member to their supervisors or Duty Officers.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks or for communications that are directly related to the business, administration or practices of the Agency. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

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### *Mobile Data Terminal Use*

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It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

#### **420.4.1 USE WHILE DRIVING**

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. However members may, using good judgment, use the MDT when the vehicle is in motion when safe to do so for the purposes of navigation and brief entries (e.g., initiating enforcement in Delta or MOBILE CAD, vehicle registration inquiries). Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

While a vehicle is in motion if in use, the computer must be properly secured in the docking station. If the vehicle does not have a docking station, the computer must be stored in a manner to prevent it from becoming a projectile while the vehicle is in motion.

#### **420.5 DOCUMENTATION OF ACTIVITY**

All calls for service assigned by a police communications operators should be communicated by voice over the police radio and electronically via MOBILE CAD unless security or confidentiality prevents such broadcasting.

MOBILE CAD and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it shall be documented by a police communications operators.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MOBILE CAD.

#### **420.5.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, in service, out of service) will be transmitted over the police radio or through the MOBILE CAD.

Members responding to in-progress calls shall advise changes in status over the radio to assist other members responding to the same incident. Status changes may be made from the MOBILE CAD when it is safe to do so.

#### **420.6 EQUIPMENT CONSIDERATIONS**

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### *Mobile Data Terminal Use*

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#### 420.6.1 MAL-FUNCTIONING MDT

Whenever member's MDT or MOBILE CAD is not working, they shall notify the Communications Center. It shall be the responsibility of the police communications operators to document all information.

#### 420.6.2 BOMB CALLS

When investigating reports of possible bombs, members should turn off their MDTs when in close proximity of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

## Body-Worn Camera Program

<b>Effective Date:</b>	08/26/2022
<b>Revised Date:</b>	REVIEWED--02/15/24
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--03/01/25

### 421.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by officers of this agency while in the performance of their duties (Md. Code CJ § 10-402). Portable audio/ video recording devices include all recording systems whether body-worn, hand-held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Agency facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

### 421.2 POLICY

It is the policy of this agency to utilize the Body-Worn Camera (BWC) for the purpose of documenting evidence and accurately recording, through video and audio, interactions that occur between officers and members of the public. All BWC equipment and recordings are the property of the Maryland Natural Resources Police.

### 421.3 DEFINITIONS

Definitions related to this policy include:

Body-Worn- Camera (BWC) - a camera worn on the person of a uniformed law enforcement officer, or an officer prominently displaying the officer's badge or other insignia, that is capable of recording video and intercepting oral communications.

EVIDENCE.COM: an internet-based evidence management system where BWC data is uploaded, stored and retrieved.

Officer - All sworn Maryland Department of Natural Resources police officers.

Employee - All employees of the Maryland Department of Natural Resources Police (both sworn and non-sworn).

TRT Leader - The designated Officer-in-Charge for a TRT Operation (usually a TRT Sergeant but can be a senior officer of the TRT as delegated by the TRT Sergeant).

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TRT Officer - An officer, either centralized or decentralized, of the agency's Tactical Response Team.

TRT Operations - The pre-planned service of a search warrant, arrest warrant, or Emergency Evaluation Petition (EEP) by the TRT. For purposes of this function code, Tactical Response callouts (to include "surround and calls") are not considered TRT operations, regardless of any contemporaneous legal authorization to enter a premise.

#### **421.4 REFERENCES**

IACP Model Body Worn Camera Policy

MPTSC Model Body Worn Camera Policy

Md. Code Ann., Pub. Safety § 3-511, *et seq.*

Md. Code Ann., Cts. & Jud. Pro., § 10-401, *et seq.*

#### **421.5 BODY-WORN CAMERA PROGRAM GENERALLY**

- A. BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of the agency (PS §3–511(9)).
- B. BWC videos are official investigative records and agency material. BWC footage is handled pursuant to agency policy and applicable laws.
- C. BWC videos that pertain to incidents that require Blue Team submissions shall be attached to Blue Team submission.

#### **421.6 COORDINATOR**

The Superintendent or the authorized designee should designate a coordinator responsible for:

- A. Establishing procedures for the security, storage and maintenance of data and recordings.
- B. Establishing procedures for accessing data and recordings.
- C. Establishing procedures for logging or auditing access.
- D. Establishing procedures for transferring, downloading, tagging or marking events.

#### **421.7 OFFICER PRIVACY EXPECTATION**

All recordings made by officers on any agency-issued device at any time, regardless of ownership of the device it was made on, shall remain the property of the Agency. All recordings are set to activate with a sixty (60) second pre-activation buffer as required by law. During both pre-activation and activation, both on and off duty, officers shall have no expectation of privacy or ownership interest in the content of these recordings.

#### **421.8 LEGAL CONSIDERATIONS**

Pursuant to the "State Wiretap Act" under Sections 10-401, *et seq.* of the Courts and Judicial Proceedings Article of the Maryland Annotated Code, it is unlawful for any person to willfully intercept, endeavor to intercept, disclose, endeavor to disclose, use, or endeavor to use any oral

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### *Body-Worn Camera Program*

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communications. "Oral communication" is defined as any conversation or words spoken to or by any person in private conversation.

The State Wiretap Act makes it lawful for a law enforcement officer, during the officer's regular duty, to intercept an oral communication with a body-worn digital recording device capable of recording video and oral communication if:

- A. The law enforcement officer is in uniform or prominently displaying the officer's badge or other insignia;
- B. The law enforcement officer is making reasonable efforts to conform to standards in accordance with § 3- 511 of the Public Safety Article for the use of body-worn digital recording devices;
- C. The law enforcement officer is a party to the oral communication;
- D. The law enforcement officer notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so, and;
- E. The oral interception is being made as part of a videotape or digital recording.

The State Wiretap Act also makes it lawful for a law enforcement officer to intercept an oral communication where the officer is party to the communication and where all parties to the communication have given prior consent to the recording.

The use of the BWC shall comply with all applicable laws, and this policy.

#### **421.9 IMPLEMENTATION**

- A. The BWC program shall be instituted for all sworn law enforcement officers at the rank of lieutenant and below. BWC shall accurately document events, actions, conditions, and statements made during law enforcement related encounters and activities as authorized under this program.
- B. Officers/units may be exempt from issuance of a BWC on a case by case basis by approval of their respective bureau chief.
  - 1. The Bureau Chief shall document the exemption decision by forwarding an NRP-510 memorandum to the Deputy Superintendent.
- C. Officers shall use the BWC in accordance with their training and this policy. Violations of this policy may result in discipline (PS §3-511(14)).
- D. All officers shall be trained on the BWC program, including officers not assigned a BWC, to ensure agency wide compliance, and operational readiness (see 421.27).
- E. Sworn members at the rank of captain and above may elect to be issued a BWC and shall comply with this policy, as well as all other applicable agency policies and procedures, when utilizing the BWC.

#### **421.10 GENERAL OPERATIONAL PROCEDURES & WEAR**

Only officers trained in the proper use of the BWC shall use the system.



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### *Body-Worn Camera Program*

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- A. All BWC recordings and recording devices shall be used for official business only. Use of the BWC shall comply with all applicable laws, and this policy.
- B. Upon going into service at the beginning of each shift, officers shall perform a function test of the BWC in accordance with their training and manufacturers recommendations to ensure that the BWC is operating properly (PS §3-511(1)). If a BWC malfunction is discovered at any time during the shift, the officer shall promptly open a Body Worn Camera call for service and report the malfunction immediately to (PS §3-511(2)):
  - 1. If working, their immediate supervisor, or if not working, their Duty Officer, and
  - 2. BWC Section Supervisor by sending an email to the BWC Section Supervisor's state email address, and detailing the issue.
- C. The BWC shall be worn in a manner consistent with Agency training and uniform policy.
- D. Officers shall wear the BWC while in uniform on the outermost garment.
  - 1. Ensure their body worn camera is fully charged and ready for use;
  - 2. Ensure any required accessories are present and ready for use, and
  - 3. Perform a function test of the BWC in accordance with their training and manufacturers by turning the camera on, listening for the beeps that indicate the BWC is booting up, and after boot up, ensuring the LCD screen reads "READY" (PS §3-511(1)).
- E. The BWC shall be worn in a manner consistent with Agency training and uniform policy.
- F. Officers shall wear the BWC while in uniform on the outer most garment, in a manner consistent with training, utilizing only authorized mounting devices in a manner that provides an unobstructed camera view. Officers shall attempt, to the extent practical, to direct their cameras in a manner which captures the incident.
- G. While working in civilian attire, sworn members shall have their issued BWC with them and ready for use, and shall deploy/activate it as required under Policy 421.11, Activation and Deactivation Criteria for the Body Worn Camera System.
- H. While operating an agency vehicle off-duty, members shall have their BWC with them and ready for use, and shall deploy/activate it as required under Policy 421.11 and Policy 703, Vehicle Use.
- I. Supervisors within the Task Force Section can make an exception to the wearing of BWC for certain specific assignments such as surveillance, covert operations, and training assignments.
- J. Officers shall only wear a department issued BWC and BWC accessories.
- K. Members are authorized to remove their BWC in the following situations:
  - 1. While inside a facility for an NRP or allied agency event.
  - 2. While attending training, unless the trainer requests BWC be worn.

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3. While inside an NRP facility, as long as the BWC is immediately and readily available.
  4. Conducting maintenance in a secured area not generally open to the public; and
  5. When authorized by a Commander.
- L. Citizens shall not be allowed to review recordings at the scene. Upon request, members shall tell the citizen to request the footage via the DNR website, using the link "Public Information Act Request Form", to allow them to request a copy of the recording.

#### **421.11 ACTIVATION AND DEACTIVATION CRITERIA FOR THE BODY WORN CAMERA SYSTEM**

- A. There are many situations where the activation of the BWC equipment is appropriate. This policy is not intended to describe every possible situation where BWC equipment should be activated.
- B. Officers shall only activate the BWC for legitimate law enforcement purposes.
- C. In addition to the required conditions outlined below, officers may activate the equipment any time they believe it would be appropriate, beneficial to public interest, and/or valuable to document an incident, provided the recording is allowed by law.
- D. Officers are encouraged to provide narration about an incident they are observing for evidentiary purposes.
- E. Except as otherwise exempted by law, officers shall notify individuals that they are being recorded as soon as practicable, unless it is unsafe, impractical, or impossible to do so.
  1. "You are being audibly and visually recorded";
  2. This notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided. Examples of potential notification language include:
    - (a) "Our interaction is being recorded by my body camera.", or
    - (b) A notification provided by the officer in a foreign language from a resource supplied by the agency (PS §3-511(8))
- F. The BWC shall be activated during all law enforcement-related encounters and activities such as, but not limited to, the following examples (PS §3-511(3)):
  1. At the arrival of a call for service that is investigative or enforcement in nature (note: generally patrol checks are not to be recorded unless some other reason outlined herein triggers the requirement to record).
  2. All enforcement and investigation related citizen contacts.
    - (a) Preferably, groups engaged in fishing on a crowded pier, jetty, bridge, etc, are to be recorded in one, single video instead of recording each person separately by starting and stopping the BWC.

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3. Documentation of evidence.
  4. Arrests and transports, excluding extraditions and extended prisoner transfers.
  5. At the initiation of traffic stops.
  6. At the onset of priority responses
  7. Vehicle, Vessel and foot pursuits.
  8. Suspicious situations.
  9. All searches of persons, vehicles, vessels, structures, effects; except strip searches.
  10. Interviews and interrogations.
  11. Mental health interventions
  12. Any contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.
  13. While an evidence custodian is conducting evidence-related matters, including:
    - (a) while inside an evidence room;
    - (b) while checking in, checking out, transferring, destroying, or otherwise handling evidence items, and;
    - (c) when returning any evidence item to its owner.
  14. When not otherwise prohibited by law or agency policy, officers shall begin recording with their BWC in circumstances when they determine that doing so would be beneficial to the public interest (PS § 3–511(5)).
  15. At the onset of a vehicle or vessel departmental accident, regardless of public involvement.
- G. Once the BWC has been activated, officers shall continue to record until (PS §3–511(7)):
1. The officer has left the scene and anticipates no further involvement in the event; or
  2. A supervisor has authorized that a recording may cease; or
  3. The officer is no longer engaged in a related investigative or enforcement activity, or
  4. The event has concluded. An event shall be deemed "concluded" when:
    - (a) all arrests have been made and arrestees have been transported and released from custody;
    - (b) all witnesses and victims have been interviewed;
    - (c) the continued recording shall not serve to obtain additional evidence; and
    - (d) no further law enforcement action is likely to occur.

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- H. In the case of prolonged recovery operations, or when the officer is outside the active investigative scene and not engaged in any enforcement or evidentiary capacity, officers may stop recording, provided the BWC is maintained in "Ready" mode. However, if any criteria requiring activation occur, the officer must immediately activate the BWC as outlined above.
  - 1. There may be instances in which officers cannot activate their BWC due to circumstances making it unsafe, impossible, or impractical to do so. In these exigent circumstances, officers shall begin recording with the BWC at the first reasonable opportunity, and document the reason for the delayed start in the incident report and/or as part of the recording.

#### **421.12 CESSATION OF RECORDING**

- A. Once activated, the BWC should remain on continuously until the officer reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation.
  - 1. Recording of departmental vehicle and vessel collisions shall continue until the entire scene has been documented, including all contributing factors, mitigating circumstances, all vehicles and vessels involved, any property damage, and the removal of any vehicles or vessels from the scene.
- B. Prior to deactivation of a recording the officer must record a brief verbal explanation for the deactivation prior to stopping the recording.
- C. In situations when community members, witnesses, crime victims or other parties wish to share information related to criminal activity, but refuse to do so while being recorded, officers shall have the discretion to turn off the BWC during the interview. The preference is to record such statements; however, it is recognized that such persons may be hesitant to provide information while being recorded due to a fear of retaliation, privacy concerns or a feeling that the information is sensitive. In these situations, officers may decide that obtaining the information is more important than recording the conversation. In such a situation, the officer must record a brief verbal explanation for the deactivation prior to turning off the recording.
- D. Officers are required to obtain consent prior to recording an interview with a victim of a sex offense. Consent in these cases must be documented/recorded on camera (PS §3-511(6)).

#### **421.13 "SLEEP" MODE**

- A. BWCs issued by the Agency have a "sleep mode" function.
- B. When placed in "sleep mode", the BWC will not record audio or video in the background.
- C. Members shall not place their BWC in "sleep mode" unless authorized herein.
- D. Sworn members shall place their BWC in "sleep mode", except when the recording is part of an investigation, or is involved in a legitimate law enforcement investigation, when (PS §3-511(16)):

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1. Conducting a strip search;
  2. In any location where there is a reasonable expectation of privacy;
  3. In an NRP office or facility;
  4. In any restroom;
  5. In a locker room;
  6. Dressing room;
  7. Hospital, with the following exceptions:
    - (a) When an officer has responded to a hospital or medical facility for a general call for service:
      1. The officer shall leave the Body Worn Camera on during the incident.
    - (b) If the hospital staff requests that the officer turn the camera off during the incident:
      1. The officer may turn the camera off, but not until the officer determines the incident to be safe.
    - (c) If the prisoner requests that the officer turn the camera off during a medical conversation with their attending doctor or nurse:
      1. The officer shall turn the Body Worn Camera off.
  8. Examination room, or
  9. Medivac transport.
- E. Once the member has returned from any of the locations listed above, the member shall immediately take the BWC off "sleep mode" so that the BWC resumes normal function.

#### **421.14 DOCUMENTING RECORDINGS**

When body worn camera footage, still imagery, or other digital evidence exists, the member shall check the appropriate box when completing the required RMS report, to indicate that footage or other digital media is available, and the same shall be noted conspicuously at the top of the report, stating the following: "BODY WORN CAMERA FOOTAGE IS AVAILABLE".

#### **421.15 SEARCH WARRANTS**

- A. For all operations involving the service of a search warrant the following procedures will be followed:
1. Once all individuals at a location are in custody and the scene is secure the Entry Team Leader will conduct a walkthrough of the location, with camera still activated, to document the overall condition of the location and its occupants.
  2. Once the recording of these items is complete the Entry Team Leader will stop recording and turn the BWC off to ensure that no undercover investigators are

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captured in the recording. Once all Entry Team BWC is deactivated, the scene may be turned over to investigators.

#### **421.16 "MUTE" FUNCTION**

- A. BWCs issued by the Agency have a mute function. When the BWC is muted, a "MUTE" watermark displays on the video recording, indicating that the microphone is muted.
- B. The mute function works by pressing and holding the mute button. While the BWC is actively recording, for as long as the mute button is pressed, the BWC will not record audio. Video will still be recorded. A watermark that indicates the video was muted will display on the video.
  - 1. The mute function is only authorized/used in the following circumstances:
    - (a) during brief consultation with other officers on the scene in person or via telephone, and only when away from the public, and
    - (b) when the officer receives a phone call or other communication not directly related to the call or incident the officer is handling, and only when away from the public.
- C. Unless extenuating circumstances exist, general phone calls with a complainant or member of the public (for example, question and answer or informational-type calls) are not to be recorded. If the member decides to record the call, the member shall notify the person that the phone call is being recorded.

#### **421.17 EXPLOSIVE DEVICE**

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

#### **421.19 TACTICAL RESPONSE TEAM**

- A. The BWC program shall be instituted for Tactical Response Team officers. The BWC shall accurately document events, actions, conditions and statements made during operations in the presence of the TRT officers as authorized under this program.
- B. TRT officers shall utilize Agency issued BWC for all operations. The BWC must be activated prior to all tactical operations. Once a BWC has been activated, the camera shall remain on during the operation. Once the operation is deemed complete, the TRT Leader shall indicate to the team that the recording may be stopped.
- C. TRT officers shall record the following when possible and in a manner which does not compromise the safety of the TRT or another officer on-scene:
  - 1. Active resistance by an individual present at the location.
  - 2. Show of force, Use of force, or claimed use of force, by an officer of the Tactical Response Team.
  - 3. Damage that resulted from the service of the search warrant.

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4. Each individual present at the location, visible injuries, and any treatment provided by NRP personnel.

#### **421.19 INTERNAL ACCESS, REVIEW, AND USE OF RECORDINGS (PS § 3-511(11) & (17))**

- A. A BWC recording may be reviewed by the recording officer for any work-related reason, including but not limited to:
  1. To ensure the BWC system is working properly;
  2. To assist with the writing of a report or other official document;
  3. To review / critique their own performance;
  4. To review / prepare for court;
  5. To respond to a civil suit, criminal investigation (if the officer is the subject of the investigation), citizen complaint, or administrative complaint. The officer shall have the ability to review their BWC recording of the subject incident prior to making a statement.
- B. Recordings may also be reviewed:
  1. By a supervisor as authorized in Policy 421.20, Body-Worn Camera Footage Review Process;
  2. By management for any legitimate matter, including, but not limited to;
    - (a) to review evidence;
    - (b) to participate in an official investigation such as a personnel complaint, administrative inquiry or a criminal or civil investigation;
    - (c) to assess training value.
- C. An officer or officer's representative shall have access to a BWC recording that is directly related to any administrative investigation or civil suit where the officer is named as the defendant.
- D. When a recorded incident or recording of an incident is used to question an officer during a formal internal investigation, access to all BWC recordings related to the incident shall be provided to the officer in advance of the questioning.
- E. A supervisor shall review the BWC recording of an incident when:
  1. An officer is involved in a reportable use of force incident.
  2. An officer is injured during the performance of his or her duty.
  3. An officer is involved in pursuit;
  4. A person in the custody of a member is reported to be injured.
  5. A complaint is received.
- F. Supervisors may review BWC footage of members on probation, to evaluate performance and ensure compliance with departmental training and policy.

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- G. BWC recordings shall not be routinely reviewed for the express purpose of discovering acts of misconduct or instances of poor performance, except as authorized in this policy and Policy 421.20.
- H. BWC recordings may be used as a basis for discipline. Officers will be provided written notice of the department's intent to rely upon a BWC recording(s) as a basis of discipline.
- I. The officer will be afforded the opportunity to review the BWC recording(s) related to the incident being investigated administratively with their selected representative prior to being interrogated.
- J. Agency BWCs are equipped with an 18-hour buffer recording feature. Only the Internal Affairs Unit (IAU) may access this footage when:
  - 1. the officer is involved in an incident resulting in the death or serious injury of the officer or another; or
  - 2. pursuant to an internal or external complaint, if the complaint involves the allegation of criminal activity; and
  - 3. authorized by the Special Services Bureau Chief.
- K. The IAU will conduct annual reviews of the BWC program, to include a policy review and audit, where appropriate.

#### **421.20 BODY-WORN CAMERA FOOTAGE REVIEW PROCESS**

- 1. Supervisors and Area/Unit commanders have oversight responsibilities for the Body Worn Camera program, to include reviewing recordings to ensure members actions are:
  - (a) in compliance with the law,
  - (b) in compliance with NRP policy,
  - (c) tactically sound concerning officer safety, and
  - (d) appropriately categorized, tagged and titled.
- 2. Sergeants and commanders with qualifying Axon Performance BWC footage for review shall, by the fifth (5th) of each month:
  - (a) Conduct a review of randomly selected BWC footage incidents under their direct supervision from the prior month. Two (2) videos per officer are automatically selected, and sent by Axon Performance each month via the reviewing supervisor's or commander's state email.
  - (b) Document the required reviews within Axon Performance.
  - (c) Submit each Axon Performance video to the next level in their chain of command for review.
  - (d) When conducting the reviews, reviewing supervisors/commanders shall:
    - 1. Review the entirety of the footage.
    - 2. Complete Axon Performance criteria for each review.



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- (a) The reviews required by this section are in addition to reviews required for vehicle pursuits, use of force incidents, member or prisoner injuries, and incidents where a complaint was received.
  - (b) Commanders, in their supervisory role, may also require additional reviews for further member development.
- 3. Document in Axon Performance any footage that warrants positive recognition or corrective action. If appropriate, review the footage with the member. If the footage is reviewed with the member, include that detail and the date in the Axon Performance note.
- 3. Commanders at the next supervisory level shall, by the fifteenth (15th) of each month:
  - (a) Log into evidence.com and check the "Performance" tab for any supervisor-tagged reviews requiring their attention.
  - (b) Ensure Axon Performance videos are submitted for each member under their supervision for the previous month, if the member had recordings to review.
    - (a) Commanders at the next supervisory level are not required to take action on every Performance Review. Commanders are only expected to take action on reviews in which they have been tagged by a supervisor in Axon Performance. When tagged, commanders will receive an email notification prompting them to review the associated video or information.

#### **421.21 UPLOADING OF BWC FOOTAGE**

- A. All files shall be securely uploaded within twenty-four (24) hours of the end of each shift.
- B. BWC videos shall be tagged or otherwise categorized as outlined in Procedure 411, Body Worn Camera Footage Procedures.
- C. All files shall be securely saved and stored in accordance with agency written directives and manufacturer requirements.

#### **421.22 REVIEW FOR TRAINING PURPOSES**

- A. Officers shall be provided written notice of the intent to utilize BWC recordings for training purposes. The notice and opportunity to review the recording, shall be provided at least ten (10) working days before the recording is used in the training venue.
  - 1. An officer captured in the recording (audio or video) may object to the use of the recording, in writing, to the Commander of the Training and Recruitment Division (or designee) within five (5) working days of receiving notice of intent to use the video for training as to why they do not wish the recording to be used. The Commander of the Training and Recruitment Division (or designee) will consider any reason(s) submitted by the officer before proceeding with use. The decision shall be based upon a determination as to whether the training value outweighs the officer's objection.

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- B. When a member accesses the BWC video cloud storage application, a log (audit trail) is kept within the cloud platform that tracks access to all data regarding body worn cameras.

#### **421.23 FAILURE TO RECORD, INADVERTENT OR ACCIDENTAL ACTIVATION**

- A. A supervisor will be notified without delay, and a NRP-400, BWC Failure to Record Activity/Accidental Recording/Deletion Request, will be completed when:
  - 1. A member fails to record an incident which they later determine should have been recorded,
  - 2. An **incident** was recorded but later determined should not have been recorded (generalized accidental activations do not require the form),
  - 3. A member accidentally/inadvertently records while in a restroom/changing room, etc, and their modesty or the modesty of another is compromised (the NRP-400 will initiate the deletion process), or
  - 4. A malfunction occurred during a recording.
- B. If a BWC was activated via a "signal activation" and no police action was taken as a result—for example, the BWC was activated from an incident from an allied agency, the NRP-400 WILL NOT be completed and nothing further needs to be done, aside from properly categorizing the footage and uploading.
- C. The member will email/send the completed NRP-400 to their supervisor by the end of their shift.
- D. Upon notification, the supervisor will ensure the member completes the NRP-400 prior to the end of their shift. Upon receipt of the NRP-400, the supervisor will review and endorse the form, then send it through the chain of command to the Special Services Bureau Chief.
- E. Upon receipt of the NRP-400, the Special Services Bureau Chief may consult with DNR OAG where necessary and appropriate.
  - 1. If the Special Services Bureau Chief and the DNR OAG agree the recording was recorded inadvertently, and that the recording has no legitimate purpose to the agency, the recording shall be destroyed without delay.
- F. In the case of a member failing to record video: If the Special Services Bureau Chief and the DNR OAG agree that, based on an inquiry, that the incident should have been recorded, the Special Services Bureau Chief will notify the Internal Affairs Unit Commander and the affected member's commander, and the incident will be entered into BlueTeam.
- G. In the case of a malfunction: the reason for the malfunction will be determined and noted on the NRP-400.
- H. All NRP-400 shall be maintained by Special Services Bureau Chief for three years and six months.

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#### **421.24 PROHIBITED USES (PS §3–511(4))**

- A. Officers are not allowed to view another officer's recording(s) except when authorized by a supervisor for a work-related reason.
- B. Providing BWC footage by an officer to an allied agency or other law enforcement officer/criminal justice agency is strictly prohibited; if BWC video is requested, the member will refer the person to the NRP Technology Unit Commander, or designee.
- C. A BWC shall not be used to create recordings in any location where there is a reasonable expectation of privacy (ie locker rooms, dressing rooms, restrooms, etc.) unless part of a criminal investigation.
- D. A BWC shall not be used to create recordings of strip searches.
- E. A BWC shall not be used to record employees during routine administrative activities.
- F. Officers shall not intentionally record undercover officers or confidential informants or confidential sources without their consent.
- G. Officers shall not record non-work-related personal activity.
- H. A BWC shall not be used to create a recording of courtroom proceedings.
- I. A BWC recording of a constitutionally protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.
- J. The stored video and audio data from a BWC recording may not (PS § 3–511(11)):
  - 1. Be used to create a database or pool of mug shots;
  - 2. Be used as fillers in photo arrays; or
  - 3. Be searched using facial or voice recognition software.
    - (a) this does not prohibit the use of recognition software to analyze the recording of a particular incident when a sworn supervisor has reason to believe that a specific suspect or person in need of assistance may be a subject of a particular recording.
- K. Employees shall not access, obtain, attempt to obtain, or copy/convert for their personal use any recording produced by a BWC.
- L. Employees shall not upload BWC recordings to public and/or social media websites.
- M. Except as authorized by policy, employees shall not attempt to copy, delete, alter, release, reuse, modify or tamper with BWC recordings in any manner. Employees are prohibited from making a copy of a BWC audio/video recording by using another recording device, such as a cell phone.
- N. Members shall not activate their BWC during courtroom proceedings unless they are engaged in a law enforcement encounter.
- O. BWCs shall not be used to record actions and conversations of coworkers, other law enforcement personnel, or members of the public when not actively engaged in a law enforcement encounter.

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- P. BWCs shall not be used to record members for the sole purpose of conducting or supporting a personnel investigation, disciplinary action, or employee performance assessment unless such assessment is used in a BWC training environment in support of student-instructor feedback.
- Q. BWCs shall not be used to record gratuitous or obscene images, such as the effects of extreme violence or injury, unless necessary for evidentiary documentation or unavoidable within the officer's course of duty.
- R. BWCs shall not be used to record a particular person based solely on the person's race, color, religion, national origin, sex, age, disability, sexual orientation, marital status, parental status, personal appearance, gender identity or expression, or political affiliation.
- S. BWCs shall not be used for the purpose of recording individuals who are engaged in peaceful activity protected by the First Amendment, unless the situation becomes violent, dangerous, or otherwise unlawful. A BWC recording of a constitutionally protected activity may not be publicly disclosed without shielding the identities of persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance (PS § 3–511(11)).
- T. Members shall not:
  - 1. Destroy, disseminate, edit, alter, modify, tamper with, or otherwise use BWC recordings without the written permission of the Superintendent or their designee (PS §3–511(9)).
    - (a) Officers who tamper with BWC recordings shall be subject to an internal investigation, discipline to include termination and possible criminal prosecution (PS §3–511(14)).
  - 2. Remove, dismantle, duplicate, or tamper with any hardware or software component or part associated with BWCs or related applications.
  - 3. Copy, re-record, self-record, or download a BWC recording to an unauthorized device, without written approval from the Superintendent or their designee.
  - 4. Share BWC recordings, or copies of these recordings, outside the scope of the officer's official duties.
  - 5. Delete any BWC recordings.

#### **421.25 RETENTION OF DATA**

- A. Only authorized members shall access the database used to house BWC footage and data (PS §3–511(10)).
- B. This system tracks all logins, views, edits and other important data concerning BWC footage in an audit trail. This ensures the system's integrity.
- C. All original BWC recordings are the property of the Maryland Natural Resources Police and shall be securely stored and retained according to the agency's retention schedule and consistent with state law and existing evidence protocols, unless a specific request is made to store them for a longer period of time by a person authorized by the Agency.

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- D. For retention periods, see Procedure 411, Body Worn Camera Footage Procedures.

#### **421.26 REQUESTS FOR BWC FOOTAGE**

All requests for BWC footage shall be handled per Policy 1104, Requests for BWC Footage.

#### **421.27 TRAINING**

- A. Officers should receive periodic training on the operation of body-worn cameras as well as this policy. Training should include methods of providing notice that a recording is being made to persons with limited English proficiency or persons with a disability that renders them otherwise unable to understand.
- B. All officers, regardless of whether they are issued a BWC, shall receive initial and periodic training on the administration, operation, and policy requirements of the Body-Worn Camera (BWC) Program. This includes familiarization with BWC procedures, legal considerations, and expectations outlined in this policy.

#### **421.28 WRITTEN DIRECTIVE AVAILABLE TO THE PUBLIC**

This written directive is posted on the agency's website and is available to the public (PS § 3–511(17)).

#### **421.29 INSPECTIONS OF BWC EQUIPMENT**

Supervisors shall inspect the BWC equipment and accessories of personnel under their supervision no later than May 1st and November 1st. Members shall document the inspection in the BWC portion of the RMS "Personal Inspection" form, as specified in Procedure 701, Assigned Equipment Inspections & Inventories. All issues found shall be rectified before the BWC is placed back into service.

## Public Recording of Law Enforcement Activity

### 422.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this agency. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 422.2 POLICY

The Maryland Natural Resources Police recognizes the right of persons to lawfully record members of this agency who are performing their official duties. Members of this agency will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 422.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

### 422.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **422.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Agency members, such as how and where to file a complaint.

#### **422.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - (a) To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  - (b) If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to an agency-owned device.

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### *Public Recording of Law Enforcement Activity*

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Recording devices and media that are seized will be submitted within the guidelines of the Property Storage Area Policy.



# Homeless Persons

## 423.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that agency members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes the responsibilities of an agency member during contact with a homeless individual, and details the need for special protection and services for homeless persons.

## 423.2 POLICY

It is the policy of the Maryland Natural Resources Police to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Maryland Natural Resources Police will address the needs of homeless persons in balance with the overall mission of this agency.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

## 423.3 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance or to check on the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of an arrest and criminal charges.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

### 423.3.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.

# Maryland Natural Resources Police

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### *Homeless Persons*

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- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.
- (g) Whether the person may be an adult abuse victim, and if so, proceed in accordance with the Adult Abuse Policy.

#### **423.4 MENTAL HEALTH ISSUES**

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under a mental health evaluation when facts and circumstances reasonably indicate such a detention is warranted (see the Mental Health Evaluations/Emergency Petition Policy).

#### **423.5 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the community. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and shall not destroy or discard the personal property of a homeless person (Md. Code CR § 10-304).

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, it should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure it. It will be the supervisor's responsibility to coordinate its removal and safekeeping.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the person or agency having primary responsibility for management of the property.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the person or agency having primary responsibility for management of the property if such property appears to involve a trespass, is a blight to the community or the subject of a complaint.

# Maryland Natural Resources Police

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#### **423.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or State departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

## Medical Cannabis

### 424.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this agency with guidelines for investigating the acquisition, possession, transportation, delivery, production, and use of cannabis under Maryland's medical cannabis laws (Md. Code CR § 5-601(c)(3); Md. Code AB § 36-101 et seq.).

#### 424.1.1 DEFINITIONS

Definitions related to this policy include (Md. Code AB § 36-101; COMAR 10.62.06.01):

**30-day supply** - 120 grams of usable cannabis or 36 grams of tetrahydrocannabinol (THC).

**Administration** – The Maryland Cannabis Administration.

**Cannabis licensee** – A business licensed by the Administration to operate in the cannabis industry.

**Cannabis registrant** – An independent testing laboratory, transporter, security guard company, waste disposal company, or any other business authorized under the Administration to work with a cannabis licensee.

**Caregiver** - A person who has agreed to assist with a qualifying patient's medical use of cannabis, including a parent or legal guardian, or a designee of a parent or legal guardian of a qualified patient under the age of 18.

**Certifying provider** - A person licensed by the State Board of Physicians, the State Board of Dental Examiners, the State Board of Podiatric Medical Examiners, or the State Board of Nursing who has a state-controlled dangerous substances registration and is approved by the Administration to make cannabis available to patients for medical use.

**Dispensary** - An entity licensed by the Administration that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis; products containing cannabis; related supplies; related products including tinctures, aerosols, oils, or ointments; or educational materials for use by a qualifying patient or caregiver.

**Identification card** - An identification card provided by the Administration to qualifying patients and caregivers.

**Processor** - An entity licensed by the Administration that transforms cannabis into another product or extract and packages and labels the cannabis product.

**Qualifying patient** - A person who possesses a written certification by a certifying provider with whom the person has a bona fide provider-patient relationship. If the person is under the age of 18, the person must have a caregiver.

**Written certification** - Certification issued by a certifying provider which includes a written statement confirming that, in the certifying provider's professional opinion, the patient has a

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### *Medical Cannabis*

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condition justifying the use of medical cannabis and, if appropriate, that a 30-day supply of medical cannabis is not sufficient to meet the patient's medical needs.

#### **424.2 POLICY**

It is the policy of the Maryland Natural Resources Police to prioritize resources to avoid making arrests related to cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Maryland medical cannabis laws are intended to provide protection from prosecution to those who possess a written certification by a certifying provider for the use of cannabis for medical use. However, Maryland medical cannabis laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of cannabis. The Maryland Natural Resources Police will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Maryland law and the resources of the Agency.

#### **424.3 INVESTIGATION**

Investigations involving the possession, delivery, production, or use of cannabis generally fall into the following categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when the person is a qualifying patient or caregiver.
- (c) Investigations when the person is otherwise authorized.

##### **424.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM**

In any investigation involving the possession, delivery, production, or use of cannabis or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or used for medicinal purposes.

##### **424.3.2 INVESTIGATIONS INVOLVING A QUALIFYING PATIENT OR CAREGIVER**

A qualifying patient or caregiver shall not be arrested for the authorized medical use or possession of cannabis from a dispensary, provided (Md. Code AB § 36-302; Md. Code AB § 36-1201):

- (a) Any qualifying patient possesses no more than a 30-day supply, unless the patient's written certification allows for the possession of more.
- (b) In the case of a caregiver, the caregiver is in possession of the cannabis for a qualifying patient the caregiver has agreed to assist in the use of medical cannabis.

Qualifying patients 21 years or older may also possess four or fewer cannabis plants for cultivation in compliance with Md. Code CL § 5-601.2.

A patient or caregiver identification card should suffice as evidence that a written certification has been issued. Certification or lack of certification should be verified through the Administration's

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registry before making an arrest (COMAR 10.62.04.06; COMAR 10.62.06.01 et seq.). No arrest should be made if there is reason to believe that the individual has a valid claim to possess.

#### 424.3.3 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving cannabis possession, delivery, production, or use:

- (a) Because enforcement of medical cannabis laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
  - 1. The suspect has been identified and can be easily located at another time.
  - 2. The case would benefit from review by a person with expertise in medical cannabis investigations.
  - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
  - 4. Any other relevant factors, such as available agency resources and time constraints.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than that specified by law, officers should consider and document, in anticipation of a medicinal claim:
  - 1. The amount of marijuana recommended by a medical professional to be ingested.
  - 2. The quality of the marijuana.
  - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
  - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
  - 5. Whether the marijuana is being cultivated indoors or outdoors.
  - 6. The climate.

#### 424.3.4 INVESTIGATIONS INVOLVING OTHER AUTHORIZED INDIVIDUALS

Any person falling into the following categories shall not be arrested for the authorized medical possession of cannabis (Md. Code AB § 36-1201):

- (a) Certifying providers.
- (b) Hospitals, medical facilities, and hospice programs where a qualifying patient is receiving treatment.
- (c) Academic research representatives authorized under Md. Code AB § 36-701 et seq. to research the medical uses, properties, or composition of cannabis.

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- (d) Designated school personnel authorized to administer cannabis to a student under Md. Code ED § 7-446 unless there is reasonable belief of gross negligence or wanton or willful misconduct.
- (e) Cannabis licensees and cannabis registrants.

#### **424.4 FEDERAL LAW ENFORCEMENT**

Officers should provide information regarding a cannabis investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

#### **424.5 EVIDENCE**

##### **424.5.1 MEMBER RESPONSIBILITIES**

The investigating member should notify the property custodian in writing when cannabis may be the subject of a medical cannabis claim.

##### **424.5.2 PROPERTY CUSTODIAN RESPONSIBILITIES**

The property custodian should ensure that cannabis, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed. The Property Storage Area supervisor is not responsible for caring for live cannabis plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the property custodian should return to the person from whom it was seized any useable cannabis, plants, drug paraphernalia, or other related property.

The property custodian should not destroy cannabis that was alleged to be for medical purposes except upon receipt of a court order.

The property custodian may release cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Criminal Investigations Section supervisor.

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## Medical Aid and Response

### 425.1 PURPOSE AND SCOPE

This policy recognizes that officers often encounter persons in need of medical aid and establishes a law enforcement response to such persons.

### 425.2 POLICY

It is the policy of the Maryland Natural Resources Police that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 425.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - 1. Signs and symptoms as observed by the member.
  - 2. Changes in apparent condition.
  - 3. Number of patients, sex, and age, if known.
  - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  - 5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel regarding whether to transport the person for treatment.



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### *Medical Aid and Response*

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#### **425.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **425.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a mental health hold in accordance with the Mental Health Evaluations Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **425.6 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport the arrestee to a hospital without a supervisor's approval.

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### *Medical Aid and Response*

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Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### **425.7 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, and Control Devices policies.

#### **425.8 AIR AMBULANCE / (MEDEVAC)**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. As first responders, NRP officers may request an air ambulance Medevac directly. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or delays will affect the EMS response.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during the landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

#### **425.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member should use an AED only after he/she has received the required training as provided in COMAR 30.06.02.01.

The Lead Law Enforcement Emergency Medical Casualty Care (LEEMCC) instructor shall be responsible for implementing and administering the AED program in accordance with state regulations including registering and receiving certification through the Maryland Institute for Emergency Medical Services Systems (MIEMSS) (Md. Code ED § 13-517; COMAR 30.06.02.01).

##### **425.9.1 AED USER RESPONSIBILITY**

Commanders responsible for management of a NRP facility with an AED should check the AED at the beginning of each month to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the member who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

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Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

#### **425.9.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use.

The Maryland Facility AED Report Form available on the MIEMSS website shall also be completed and forwarded to MIEMSS for each incident of suspected cardiac arrest. If the AED fails when operated, a copy of the report shall be sent to MIEMSS and to the Food and Drug Administration (FDA) (COMAR 30.06.02.03).

#### **425.9.3 AED TRAINING AND MAINTENANCE**

The Training Unit Commander should ensure appropriate training, including training in the most recent publication of the American Heart Association Guidelines for CPR and emergency cardiovascular care (ECC), is provided to members authorized to use an AED (COMAR 30.06.02.01).

Each Commander responsible for a NRP facility equipped with an AED shall ensure AED devices are appropriately maintained and inspected consistent with the manufacturer's guidelines, and will retain records of all maintenance and inspections in accordance with the established records retention schedule (COMAR 30.06.02.01).

### **425.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Authorized members may administer opioid overdose medication when there is an emergency situation and medical services are not immediately available (Md. Code HG § 13-3105). Administration shall be in accordance with protocol specified by the health care provider who prescribed the overdose medication.

#### **425.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and returned to the Supply and Maintenance Unit Commander.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

#### **425.10.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

The member's Commander will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements (Md. Code HG § 13-3103).

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### *Medical Aid and Response*

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#### 425.10.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Unit Commander should ensure training is provided to members authorized to administer opioid overdose medication. The training should include recognizing the signs and symptoms of opioid overdose and the administration of opioid overdose medication (Md. Code HG § 13-3103).

The Training Unit Commander is responsible for maintaining records for trained and certified officers.

# First Amendment Assemblies

## 426.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 426.2 POLICY

The Maryland Natural Resources Police respects the rights of people to peaceably assemble. It is the policy of this agency not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 426.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets, walkways, waterways or DNR public lands, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront, or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually monitor the activities of agency members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

# Maryland Natural Resources Police

## Policy Manual

### *First Amendment Assemblies*

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#### 426.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating agency performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

#### 426.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets, walkways or waterways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

#### 426.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### 426.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders, to include the appropriate marine gathering permit in accordance with NR 8-715.8 (if applicable).

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### *First Amendment Assemblies*

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- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 426.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

- (a) Command assignments, chain of command structure, roles and responsibilities
- (b) Staffing and resource allocation
- (c) Management of criminal investigations
- (d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.)
- (e) Deployment of specialized resources
- (f) Event communications and interoperability in a multijurisdictional event
- (g) Liaison with demonstration leaders, marine gathering permit holders, and external agencies
- (h) Liaison with State government and legal staff
- (i) Media relations
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
- (k) Traffic management plans - to include areas where vehicle or vessel traffic is restricted
- (l) First aid and emergency medical service provider availability
- (m) Prisoner transport and detention
- (n) Review of policies regarding public assemblies and use of force in crowd control
- (o) Parameters for declaring an unlawful assembly
- (p) Arrest protocol, including management of mass arrests
- (q) Protocol for recording information flow and decisions

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## Policy Manual

### *First Amendment Assemblies*

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- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
- (s) Protocol for handling complaints during the event
- (t) Parameters for the use of portable recording devices

#### 426.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (Outside Agency Assistance Policy).

#### 426.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains legal, peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

#### 426.7 USE OF FORCE

Use of force is governed by current agency policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual persists in refusing to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Use of force escalation should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage.



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## Policy Manual

### *First Amendment Assemblies*

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Operational circumstances may preclude contemporaneous completion of use of force reports, in which case use of force incidents shall be communicated to the Communications Center for documentation. After-action reports shall include a detailed explanation of all incidents where force was used.

#### **426.8 ARRESTS**

The Maryland Natural Resources Police should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

#### **426.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

#### **426.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

# Maryland Natural Resources Police

## Policy Manual

### *First Amendment Assemblies*

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#### **426.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

##### **426.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with the NRP PIO and the DNR OAG, as appropriate, to prepare a comprehensive after-action report of the event, to include the following:

- (a) Date, time and description of the event.
- (b) Actions taken and outcomes (injuries, property damage, arrests, etc.).
- (c) Problems identified.
- (d) Significant events.
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

#### **426.12 TRAINING**

Agency members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Agency should, when practicable, train with its external and mutual aid partners.

## Civil Disputes

### 427.1 PURPOSE AND SCOPE

This policy provides members of the Maryland Natural Resources Police with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy addresses specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Maryland law.

### 427.2 POLICY

The Maryland Natural Resources Police recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this agency will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 427.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

# Maryland Natural Resources Police

## Policy Manual

### *Civil Disputes*

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#### **427.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

##### **427.4.1 STANDBY REQUESTS**

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

#### **427.5 VEHICLES, VESSELS AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles/vessels or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle/vessel registration), but should be aware that legal possession of vehicles/vessels or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle/vessel or personal property involved should be identified and the incident documented.

#### **427.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

## Suspicious Activity Reporting

### 428.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

#### 428.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.
- An individual found in the vicinity of a natural resources crime or area of reported natural resources criminal activity whose presence cannot be legitimately explained.
- Vessels operated without navigational lights, or at times and places associated with suspected criminal or natural resources violations, or in contact with commercial shipping vessels.

**Field Information Report (FIR)** - An incident report used to document suspicious activity.

### 428.2 POLICY

The Maryland Natural Resources Police recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain, and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

### 428.3 RESPONSIBILITIES

The Homeland Security and Intelligence Unit supervisor and authorized designee(s) will manage FIR activities. Authorized designees should include personnel who are responsible

# Maryland Natural Resources Police

## Policy Manual

### *Suspicious Activity Reporting*

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for the department participation in Criminal Intelligence System(s) as outlined in the Criminal Organization policy.

The Homeland Security and Intelligence Unit supervisor will have the following duties:

- (a) Remain familiar with those databases available to the Maryland Natural Resources Police that would facilitate the purpose of this policy.
- (b) Maintain adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensure a process is available that would allow employees to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensure that Maryland Natural Resources Police personnel are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the agency.
- (e) Ensure that FIR information is appropriately disseminated to personnel in accordance with their job responsibilities.
- (f) Coordinate investigative follow-up, if appropriate.
- (g) Coordinate with the appropriate agency or fusion center.
- (h) Ensure that, as resources are available, the Maryland Natural Resources Police conducts outreach that is designed to encourage community members to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

#### **428.4 REPORTING AND INVESTIGATION**

Any agency member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any agency member who is not a police officer and receives such information should ensure that it is passed on to an officer in a timely manner.

If the activity is not directly related to a reportable crime, the information will be recorded on an FIR, which will document information about the involved party and the circumstances of the incident. If an officer comes across such information while investigating an unrelated crime or incident, he/she will make no mention of the suspicious activity in the original incident/arrest report, but will document the suspicious activity on an FIR and include the incident/arrest report number.

#### **428.5 HANDLING INFORMATION**

The Homeland Security and Intelligence Unit supervisor is responsible for reviewing FIRs and forwarding information appropriately.

The Homeland Security and Intelligence Unit supervisor should prepare an annual report of FIR activity and submit the report to his/her Bureau Chief.

## **Chapter 5 - Traffic Operations**

## Traffic Enforcement in General

<b>Effective Date:</b>	09/28/22
<b>Revised Date:</b>	REVIEWED--05/31/24
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--06/01/25

### 500.1 PURPOSE AND SCOPE

To provide members with guidance on conducting traffic enforcement.

### 500.2 DEFINITIONS

AREA PATROL - patrol within a defined patrol area.

DIRECTED PATROL - assigned patrol to a specific area based on analysis of information regarding traffic violations, conservation and related incidents.

LINE PATROL - patrol between two points on a specific roadway.

SATURATION PATROL: - directed patrol assigned to multiple units.

SELECTIVE ENFORCEMENT - geographic/temporary assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior.

### 500.3 POLICY

It is the policy of the Maryland Natural Resources Police to enhance public safety through proactive traffic enforcement, with the ultimate goal of achieving voluntary compliance.

### 500.4 TRAFFIC ENFORCEMENT GENERALLY

- A. NRP Officers have statewide authority, without exception, to enforce all laws, including violations of Maryland's Transportation Article.
- B. Traffic enforcement is a key component of NRP's broader mission to protect public safety, serving as an effective tool to fulfill this essential objective.
- C. Patrol by members assigned to the Field Operations Bureau is the primary means of enforcing the motor vehicle laws of Maryland and achieving the patrol objectives in Policy 400, Field Operations.
- D. The primary goals of traffic enforcement are to:
  - 1. act as a visual deterrent against traffic violations and crime, including conservation crime;
  - 2. improve driver behavior that differs from the accepted or legal requirements;
  - 3. identify and educate and/or charge drivers who exhibit behavior that indicates that they are an immediate danger to the public to the extent allowed by law, and



# Maryland Natural Resources Police

## Policy Manual

### *Traffic Enforcement in General*

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4. encourage voluntary compliance with laws, including the natural resources laws and violations.
- E. Members will:
  1. Enforce Maryland's Transportation Article through traffic enforcement while on patrol;
  2. monitor their patrol areas to identify specific traffic-related public safety issues and violation patterns that may be developing; and
  3. direct enforcement initiatives towards those areas identified for selective enforcement.

#### **500.5 GENERAL PATROL TECHNIQUES**

- A. Traffic patrol techniques include those listed in 500.2, Definitions.
- B. Members on patrol should focus enforcement efforts on areas and on violations types that will help to achieve the patrol objectives in Policy 400.
- C. Commanders and supervisors should determine the type of enforcement required for a specific location or situation and assign members accordingly.
- D. When stationary observation is necessary to maximize the effectiveness of enforcement, members will park in a location and manner to maximize safety and visibility, and minimize the disruption of traffic flow.
- E. Unmarked or Covert Vehicles
  1. Unmarked vehicles may be used routinely for traffic enforcement; however, a member operating an unmarked vehicle must remember that motorists may not initially recognize them as a law enforcement officer.
  2. Covert vehicles that are equipped with lights and sirens will not be used routinely for traffic enforcement.
- F. Members conducting roadside enforcement details will:
  1. ensure that their vehicles are parked so as not to create an undue hazard or impede the normal flow of traffic; and
  2. wear high visibility safety apparel in accordance with Policy 500.9, High Visibility Vests.

#### **500.6 DEPLOYMENT**

Enforcement efforts may include such techniques as geographic/temporal assignment of agency members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving, and a variety of educational activities. These activities should incorporate methods that are suitable to the situation, timed to events, seasons, past traffic problems or locations and, whenever practicable, preceded by enforcement activities.

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### *Traffic Enforcement in General*

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Several factors will be considered in the development of deployment schedules for agency members. State and local data on traffic accidents are a valuable resource. Factors for analysis include, but are not limited to the following:

- Location
- Time
- Day
- Violation factors
- Requests from the public
- Construction zones
- School zones
- Special events

Members shall maintain high visibility while working general enforcement, especially in areas where traffic violations frequently occur.

#### **500.7 ENFORCEMENT**

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This agency does not establish ticket quotas. The number of arrests or citations issued by any member shall not be used as the sole criterion for evaluating member overall performance.

Biased-based policing is expressly prohibited, and members shall comply with all provisions in Policy 402, Biased-Based Policing.

Several methods are effective in the reduction of traffic violations, including but not limited to:

##### **500.7.1 WARNINGS**

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, for example when a minor violation was inadvertent.

##### **500.7.2 CITATIONS**

Citations should be issued when a member believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with (Md. Code TR § 26-201):

- (a) A copy of the traffic citation.
- (b) An explanation of the violation or charge.
- (c) The court appearance procedure, including the optional or mandatory appearance by the motorist.
- (d) Notice that:
  - 1. The motorist can enter a plea and pay the fine by mail or at the court.

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### *Traffic Enforcement in General*

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2. Acknowledgement of receipt of the citation is not an admission of guilt.
3. Failure to acknowledge receipt of the citation may subject the motorist to arrest.

#### 500.7.3 PHYSICAL ARREST

Physical arrest can be made for a number of criminal traffic offenses. These cases usually deal with, but are not limited to (Md. Code TR § 26-202):

- (a) A violation relating to vehicles transporting hazardous materials (Md. Code TR § 21-1411; Md. Code TR § 22-409).
- (b) A violation relating to the failure or refusal to submit a vehicle to a weighing or to remove excess weight from the vehicle (Md. Code TR § 24-111; Md. Code TR § 24-111.1).
- (c) The person does not furnish satisfactory evidence of identity.
- (d) The person refuses to acknowledge receipt of a traffic citation by signature (Md. Code TR § 26-203).
- (e) The officer has reasonable grounds to believe that the person will disregard the traffic citation.
- (f) A violation for any of the following offenses:
  1. Driving or attempting to drive while under the influence of alcohol, while impaired by alcohol or in violation of an alcohol restriction.
  2. Driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol, or while impaired by any controlled dangerous substance.
  3. Failure to stop, give information or render reasonable assistance as required by state law in the event of an accident resulting in bodily injury to or death of any person (Md. Code TR § 20-102; Md. Code TR § 20-104).
  4. Driving or attempting to drive a motor vehicle without a driver's license unless exempt or otherwise authorized (Md. Code TR § 16-101).
  5. Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked.
  6. Failure to stop or give information, as required by state law, in the event of an accident resulting in damage to a vehicle or other property (Md. Code TR § 20-103; Md. Code TR § 20-104; Md. Code TR § 20-105).
  7. Any offense that caused or contributed to an accident resulting in bodily injury to or death of any person.
  8. Fleeing or attempting to elude an officer.
  9. Falsifying, manufacturing, possessing or sale of any official document issued by the Maryland Department of Transportation (Md. Code TR § 14-110(b); Md. Code TR § 14-110(c); Md. Code TR § 14-110(d); Md. Code TR § 14-110(e)).

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## Policy Manual

### *Traffic Enforcement in General*

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10. Racing a vehicle that results in serious bodily injury to another person (Md. Code TR § 21-1116(a)).
- (g) A person is a nonresident and the officer has probable cause to believe that the person committed a violation that contributed to an accident.

#### **500.8 REPORTING OF STOPS**

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.

#### **500.9 HIGH-VISIBILITY VESTS**

The Agency has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of agency members, who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

##### **500.9.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the agency member or when the member will be exposed to the hazards of passing traffic, maneuvering or operating vehicles, machinery and equipment.

Examples of when high-visibility vests should be worn include traffic control duties, traffic accident investigations, lane closures and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

##### **500.9.2 CARE AND STORAGE**

High-visibility vests shall be maintained in agency vehicles.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Supply and Maintenance Unit Commander should be promptly notified whenever the supply of vests needs replenishing.

#### **500.10 MULTIPLE VIOLATIONS**

- A. It is generally not advisable to issue a large number of summonses to one violator; however, there may be circumstances where it is appropriate.
- B. Nothing prohibits a member from issuing different categories of documents to a violator (e.g., citation/warning for multiple violations);
- C. A member should not issue two documents for the same charge (e.g., a summons and an SERO for a tint violation).

# Traffic Accidents

## 501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic accidents.

## 501.2 POLICY

It is the policy of the Maryland Natural Resources Police to respond to traffic accidents and to render or summon aid to injured victims as needed. The Agency will investigate accidents occurring on DNR public lands, and prepare reports according to established minimum reporting requirements, with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, accident reports will be made available to the public upon request.

## 501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this agency and there is:
  - 1. A fatality.
  - 2. A State vehicle involved.
  - 3. A State official or employee involved.
  - 4. Involvement of an on- or off-duty member of this agency.
- (b) Is within another jurisdiction and there is involvement of an on-duty member of this agency or an off-duty member of this agency driving a state vehicle.

### 501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).
- (f) Clearance and cleanup of the roadway.

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### *Traffic Accidents*

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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.

#### **501.4 NOTIFICATION**

If a traffic accident that occurs on DNR lands involves a life-threatening injury or fatality, the responding officer shall notify a supervisor. The supervisor may assign appropriate personnel to investigate the incident. The supervisor will ensure notification is made to the agency command staff and DNR Secretary in accordance with the Major Incident Notification Policy.

##### **501.4.1 NOTIFICATION OF FAMILY**

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with an investigator, agency chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family.

In the event of a fatality, members involved in notification should ensure that family members of the victim are provided with a victim's representation notification form ([click here to download Victims Notification Form](#)), and advised of their right to file the form, as appropriate (Md. Code TR § 12-206.1). The form allows family members to request notice of a hearing on a moving violation related to the victim's death.

#### **501.5 MINIMUM REPORTING REQUIREMENTS**

An accident report shall be taken when (Md. Code TR § 20-107; Md. Code TR § 20-113):

- (a) A fatality, any injury (including complaint of pain), driving under the influence, or hit and run is involved.
- (b) An on-duty member of the State of Maryland is involved.
- (c) The accident results in any damage to any State-owned or leased vehicle.
- (d) The accident involves any other public agency driver or vehicle.
- (e) There is damage to public property.
- (f) The accident involves a public or private school bus.
- (g) There is damage to any vehicle to the extent that towing is required.
- (h) Prosecution or follow-up investigation is contemplated.
- (i) Directed by a supervisor.

Accidents involving a Maryland Transit Administration (MTA) vehicle should be handled by MTA.

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### *Traffic Accidents*

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#### 501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic accident occurs on private property unless there is an injury or fatality, a hit-and-run violation or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

#### 501.5.2 STATE VEHICLE INVOLVED

A traffic accident report shall be taken when a State vehicle is involved in a traffic accident that results in property damage or injury.

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a State vehicle, a vehicle damage report shall be completed and forwarded to the NRP Review Board. The investigator or supervisor at the scene should direct that photographs be taken of the scene and the vehicle damage.

#### 501.5.3 INJURED ANIMALS

Agency members should refer to the Animal Control Policy and make appropriate notifications when a traffic accident involves the disposition of an injured animal or when learning that a domestic animal has been struck by a vehicle (Md. Code TR § 20-106(b)).

### **501.6 INVESTIGATION**

When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

#### 501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Supervisor should request that the Office of the Attorney General's Independent Investigations Division in accordance with the Officer Involved Shooting and Deaths policy when a life-threatening injury or fatal traffic accident/collision occurs which involves an on-duty member of this agency or off-duty member of the Agency driving a state vehicle.

- (a) The involved member shall complete the agency traffic accident form. If the member is unable to complete the form, the supervisor shall complete it.

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## Policy Manual

### *Traffic Accidents*

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The Supervisor should request that the Maryland State Police (MSP) or other outside law enforcement agency investigate and complete a traffic accident investigation when a life-threatening injury or fatal traffic accident/collision occurs which involves an on- or off-duty official or employee of the State of Maryland.

Agency members shall promptly notify a supervisor when any agency vehicle is involved in a traffic accident. The traffic accident investigation and report shall be completed by MSP or the agency having jurisdiction.

#### **501.7 ENFORCEMENT ACTION**

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

#### **501.8 REPORTS**

Agency members shall utilize the Automated Crash Reporting System (ACRS) in Delta for the reporting of qualifying traffic accidents. All ACRS reports shall be attached to an incident report in RMS.

##### **501.8.1 REPORT MODIFICATION**

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.



## Vehicle Towing

### 502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this agency to tow a vehicle.

### 502.2 POLICY

The Maryland Natural Resources Police will tow vehicles when appropriate and in accordance with the law.

Under no circumstances will the towing or impoundment of vehicles be initiated to punish the owner or operator.

### 502.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Agency members may assist by communicating requests through the Communications Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the agency member.

Vehicles that are not the property of the State should not be driven by agency members unless it is necessary to move the vehicle a short distance to eliminate an immediate threat to public safety.

### 502.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and the vehicle is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.

# Maryland Natural Resources Police

## Policy Manual

### *Vehicle Towing*

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- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requestor should be informed that the Agency will not be responsible for theft or damages.

#### **502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS**

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

#### **502.6 RECORDS**

Members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the RMS.

##### **502.6.1 VEHICLE STORAGE REPORT**

Agency members initiating the towing of a vehicle shall complete a Vehicle/Vessel Tow Report in RMS and add to it to the Incident Report as soon as practicable after the vehicle is towed.

When a vehicle is removed by the towing company, the investigating officer shall include instructions to the tow operator regarding the release status of the vehicle in the Comments section.

##### **502.6.2 NOTICE OF TOW**

If the owner is not present the member will notify in person or by telephone the vehicle's registered owner of the circumstances for the tow, the location the vehicle was towed to, and the procedures for obtaining its release.

As soon as reasonably possible and within seven days of a vehicle being towed, it shall be the responsibility of the investigating officer to send a Citizen Tow Letter (NRP-428L) to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail with a return receipt requested.

If the identity or address of the last registered owner, or others having a recorded interest in the vehicle, cannot be determined or the certified notice is returned as undeliverable, the investigating officer shall post the notice where the abandoned vehicle was found as provided by state law (Md. Code TR § 25-205(c)).

#### **502.7 TOWING SERVICES**

Members shall request tow services through their local Maryland State Police barrack.

Whenever an officer requests a tow truck, they are required to await the arrival of that truck. Once the tow truck has arrived and the operator has the completed tow slip, the officer may clear the scene provided the vehicle being towed is not a traffic hazard and the tow truck operator concurs.

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If the officer has the vehicle keys, only the vehicle keys shall be turned over to the tow truck driver. If other keys accompany the vehicle keys, they will be returned to the owner. If this is not possible, they will be submitted into inventory.

Complete an RMS Vehicle Tow/Impoundment Report for each impounded vehicle. One copy each will be given to the tow operator and the vehicle owner/ operator (if present). If the owner is present the officer will have the owner initial the tow report to indicate receipt of his copy.

#### **502.8 VEHICLE INVENTORY**

The contents of all vehicles towed at the request of agency members shall be inventoried and listed in the RMS report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

Members should ask the occupants whether the vehicle contains any contraband, valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains contraband, valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other items having a value of \$50 or greater located during the inventory process will be held for safekeeping, in accordance with the Property Storage Area Policy. A copy of the property receipt should be given to the person in control of the vehicle, or if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

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These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of agency members and protecting the Agency against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. If contraband or evidence of a crime is discovered during the inventory of a vehicle or vessel, the inventory shall be suspended and a search and seizure warrant obtained.

Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

#### **502.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY**

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the agency member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions), which are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Agency in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the immediate release of the vehicle.

## Under the Influence/Impaired Driving

### 503.1 PURPOSE AND SCOPE

This policy provides guidance to those agency members who play a role in the detection and investigation of driving under the influence/driving while impaired (DUI/DWI).

This policy is not intended to cover boat operators (see the Boating Under the Influence procedure).

### 503.2 POLICY

The Maryland Natural Resources Police is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Maryland's impaired driving laws.

### 503.3 INVESTIGATIONS

All officers are expected to enforce these laws with due diligence.

Officers shall use the Alcohol Influence Report to document relevant information and maximize efficiency. Any DUI/DWI investigation will be documented using this form. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FST) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in this state or another jurisdiction.

### 503.4 FIELD TESTS

Officers shall utilize Standardized Field Sobriety Tests (SFST) and any approved alternate tests in accordance with the officer's training when investigating violations of DUI/DWI laws.

### 503.5 CHEMICAL TESTS

A person implies consent under Maryland law to a chemical test or tests, and to providing the associated chemical sample, when an officer has detained the person on suspicion of driving or attempting to drive a motor vehicle when the person is (Md. Code TR § 16-205.1(a)(2); Md. Code TR § 16-205.2(a); Md. Code TR § 16-813):

- (a) Under the influence of alcohol or impaired by alcohol.

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### *Under the Influence/Impaired Driving*

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- (b) So impaired by any drug, any combination of drugs or a combination of a drug and alcohol that he/she cannot safely drive a vehicle.
- (c) Impaired by a controlled dangerous substance.
- (d) In violation of an alcohol restriction.
- (e) Driving, operating or in physical control of a commercial vehicle with any concentration of alcohol in his/her blood or breath.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

A test to determine alcohol concentration shall be taken within two hours after the person is apprehended. A test to determine the presence of a drug or a controlled dangerous substance shall be taken within four hours after the person is apprehended (Md. Code CJ § 10-303).

The admissibility of test results without the presence or testimony of technician may be found in MD. Code CJ § 10-306.

#### 503.5.1 TYPE OF TEST

A blood test may be required: (Md. Code CJ § 10-305):

- (a) To determine alcohol concentration when:
  - 1. Injuries to the person require removal of the arrestee to a medical facility.
  - 2. Equipment for administering the test of breath is not available.
  - 3. An officer has reasonable grounds to believe a person who was involved in a motor vehicle accident that resulted in death or a life-threatening injury to another person was driving while under the influence or impaired by alcohol or drugs, pursuant to Md. Code TR § 16-205.1(c)(1)(ii) or (c)(1)(iii).
- (b) The officer reasonably believes that the impairment is caused by drug or controlled dangerous substance content.

#### 503.5.2 STATUTORY NOTIFICATIONS

Officers shall advise the detained person that:

- (a) Neither a refusal nor the taking of a preliminary breath test shall prevent or require a subsequent chemical test (Md. Code TR § 16-205.2(b)).
- (b) Upon receipt of a sworn statement from the officer that the person was charged with DUI/DWI and refused to take a test, or was tested and the result indicated an alcohol concentration of 0.08 or more, the Motor Vehicle Administration (MVA) shall (Md. Code TR § 16-205.1(b)):
  - 1. Suspend the person's driving privilege pursuant to state law.
  - 2. Disqualify the person's privilege to operate a commercial vehicle pursuant to state law.

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The result of the preliminary breath test shall be used only to decide whether an arrest should be made (Md. Code TR § 16-205.2(c)).

#### **503.5.3 BREATH SAMPLES**

The Supervisor should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Agency members obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Supervisor.

A breath test shall be administered at the direction of an officer by a qualified person trained in the use of equipment that has been approved by the Department of State Police Forensic Sciences Division. The arresting officer may not administer the breath test (Md. Code CJ § 10-304(b)).

Unless otherwise required by law, a breath test shall be used to determine alcohol concentration (Md. Code CJ § 10-305(a)).

#### **503.5.4 BLOOD SAMPLES**

Only a qualified medical person trained in the use of equipment that has been approved by the Department of State Police Forensic Sciences Division shall draw blood to collect blood samples. The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task (Md. Code CJ § 10-304(c)(1)).

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

#### **503.6 REFUSALS**

When an arrestee refuses to provide a chemical sample, officers should (Md. Code TR § 16-205.1(b)(2)):

- (a) Advise the arrestee of the requirement to provide a sample and the administrative sanctions or criminal penalties for refusal (Md. Code TR § 16-205.1(b)(1)).
- (b) Audio- and/or video-record the admonishment and the response when practicable.
- (c) Document the refusal in the appropriate report.

Any person who drives, operates or is in physical control of a commercial motor vehicle and refuses to take a chemical test to determine the alcohol concentration shall be placed out of service for the 24-hour period immediately following the time the officer detects alcohol in the driver's blood or breath (Md. Code TR § 16-813(b)).

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#### 503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to an alcohol concentration test or a drug and controlled dangerous substance test, officers shall (Md. Code TR § 16-205.1(b)(3)):

- (a) Confiscate the person's driver's license.
- (b) Personally serve an order of suspension of the driver's license on the person.
- (c) Issue a temporary license to drive.
- (d) Inform the person that the temporary license allows the person to continue driving for 45 days.
- (e) Inform the person of his/her rights, as listed on the MVA Advice of Rights form.

#### 503.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample should be obtained when any of the following conditions exist:

- (a) A person has refused to submit to a chemical test and the officer has reasonable grounds to believe that the person was involved in a vehicle accident while driving under the influence of alcohol or a controlled substance that resulted in serious bodily injury or death of another (Md. Code TR § 16-205.1(c)(1)).
- (b) The officer has reasonable grounds to believe a person was driving while under the influence of alcohol or a controlled substance and the person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusing a test. (Md. Code CJ § 10-305; Md. Code TR § 16-205.1(d)(1)).
- (c) A warrant is required if either of these circumstances exists, unless the officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.

#### 503.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should consult with a supervisor.

- (a) Officers are permitted to employ only the level of non-deadly, reasonable force necessary to restrain the person in order to obtain the required blood specimen.
- (b) The application of reasonable force may include reasonable physical force, hospital restraining devices and other restraining methods prescribed by hospital protocol when dealing with unruly patients.
- (c) Reasonable force will be applied only until compliance is achieved.
- (d) Officers may request the assistance of hospital security personnel to assist, but hospital staff are not required to participate in restraining the patient.
- (e) Blood specimens will not be drawn until the operator is fully immobilized so that the test does not present undue harm to hospital staff or him/herself.



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- (f) Officers will follow all reporting procedures for use of force.
- (g) If the operator is so unruly that a specimen cannot be safely obtained, the investigating officer will contact a supervisor.
- (h) If the decision is made to forgo specimen collection, the officer will process the operator as a refusal noting all attempts to obtain a sample in his/her report.
- (i) Should qualified medical personnel be unwilling to collect a specimen, the State's Attorney will be contacted for guidance in an attempt to work out a solution.
- (j) As a last resort, operator may be able to subpoena the hospital records and the operator will ensure that the receiving hospital will be performing a blood test for alcohol before making the decision to subpoena records.

The supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to providing such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure contact is made with the nearest medical facility to ascertain if they will perform a forced blood draw.
- (e) Ensure that the blood sample is taken in a medically approved manner.
- (f) Ensure that the forced blood draw is recorded on audio and/or video when practicable.
- (g) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (h) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

### **503.7 ARREST AND INVESTIGATION**

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#### 503.7.1 REPORTING

The Supervisor shall ensure that this agency complies with all state reporting requirements pursuant to Md. Code TR § 16-205.1(b)(3)(viii).

#### 503.7.2 TEST ADMINISTERED BY OUTSIDE PHYSICIAN

A person is permitted to have a physician of his/her own choosing administer tests, in addition to the test administered at the direction of an officer. In the event a test was neither offered nor requested by the officer, the person may request, and the officer shall have administered, one or more of the tests provided by state law (Md. Code CJ § 10-304(e)).

#### 503.8 RECORDS SECTION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as requested by the prosecuting attorney's office. Requests from any other party shall be in accordance with the Records Maintenance and Release Policy.

#### 503.9 ADMINISTRATIVE HEARINGS

The charging officer will ensure that all appropriate reports and documents related to administrative license suspensions are approved and forwarded to the MVA.

Any officer who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the MVA file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

# Safety Equipment Repair Orders (SERO), Traffic and Parking Citations

## 504.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing Safety Equipment Repair Order (SERO), traffic and parking citations.

## 504.2 POLICY

It is the policy of the Maryland Natural Resources Police to enforce traffic laws fairly and equally. Authorized members may issue a SERO, traffic citation, parking citation, or written warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

## 504.3 RESPONSIBILITIES

The Records Section shall be responsible for the supply and accounting of all SERO, traffic and parking citation books issued to members of this agency using Motor Vehicle Administration (MVA) inventory withdrawal forms (COMAR 11.17.18.01; COMAR 11.17.18.02). Citations and SERO forms will be kept in a secure location and issued to members by the Records Section staff. SERO forms (MSP Form 157) may be obtained from the Maryland State Police (MSP) Automotive Safety Enforcement Division (ASED).

Members will sign for the SERO or citation books when issued or upon return of unused citations. A traffic citation book may not be reassigned to another member or another law enforcement agency without the prior authorization of the MVA. Members may not lend, borrow or share traffic citations (COMAR 11.17.18.03).

The Superintendent or the authorized designee shall submit a report on official letterhead advising the MVA within five days of any lost, stolen, mutilated or destroyed traffic citation (COMAR 11.17.18.04(B)).

Upon request, the Superintendent or the authorized designee shall account for the disposition of traffic citations in a format and within the time required by MVA (COMAR 11.17.18.04(D)).

### 504.3.1 WRITTEN WARNINGS

Written warnings may be issued when the agency member believes it is appropriate. The Records Section should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this agency in accordance with the established records retention schedule.

## 504.4 TRAFFIC CITATIONS

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### *Safety Equipment Repair Orders (SERO), Traffic and Parking Citations*

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#### 504.4.1 ISSUANCE

Upon issuing a traffic citation, members shall ask the person to acknowledge receipt of a copy of the citation and advise the person that failure to acknowledge receipt may lead to the person's arrest (Md. Code TR § 26-201(b); Md. Code TR § 26-203).

Following issuance of a traffic citation, members shall promptly file an electronic or written copy of the citation with the District Court. If the person acknowledges receipt on a written copy of the citation, members shall keep that copy to produce as evidence if required in court and dispose of the other copies of the citation in accordance with the regulations adopted by the MVA (Md. Code TR § 26-407(b)).

#### 504.4.2 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall work with the local State's Attorney to amend the citation in court or re-issue a new citation and have the citation containing the error nolle prossed.

#### 504.4.3 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to a supervisor for approval. The citation and copies shall then be forwarded to the Records Section.

#### 504.4.4 DISMISSAL

Members of this agency do not have the authority to dismiss a traffic citation once it has been issued. Upon a review of the circumstances involving the issuance of the traffic citation, the Supervisor may recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal (Md. Code TR § 26-407(c); Md. Code TR § 26-407(g)).

Any request from a recipient to dismiss a citation shall be referred to the District Court (Md. Code TR § 26-408).

Prior to a court hearing, a member may submit a request for dismissal of a traffic citation to his/her supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may forward the citation to the appropriate prosecutor with a request for dismissal.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation.

#### 504.4.5 DISPOSITION

The court and file copies of all traffic citations issued by members of this agency shall be forwarded to the member's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

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### *Safety Equipment Repair Orders (SERO), Traffic and Parking Citations*

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Upon separation from appointment or employment with this agency, all members who were issued traffic citations books shall return any unused citations to the Records Section.

#### **504.4.6 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a citation.

#### **504.4.7 DATA COLLECTION**

Whenever an officer conducts a traffic stop and detains the driver for any period of time for a violation of the Maryland Vehicle Law, he/she shall document the stop as required by law (Md. Code TR § 25-113(d)).

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

#### **504.5 PARKING CITATION APPEALS**

Parking citations may be appealed in accordance with local and state law.

An appeal of a parking citation must be received by this agency at least five days prior to the date of payment set forth on the citation. The Supervisor shall forward a copy of the notice of intention to stand trial and a copy of the parking citation to the District Court (Md. Code CJ § 7-302(d); Md. Code TR § 26-303(a)).

If the presence of the member who issued the citation is required at trial and the Agency has received notice, the member shall appear at trial. Absent proper notice, the member need not appear at the trial and the copy of the citation bearing the certification of the member is prima facie evidence of the facts stated in it (Md. Code TR § 26-303(b)).

#### **504.6 SERO**

An officer may issue a SERO for defective safety equipment on all classes of Maryland registered motor vehicles, trailers and semi-trailers except those vehicles displaying historic license plates, interchangeable license plates and temporary registration plates. Specific equipment violations subject to a SERO is maintained by the MSP and are included on the SERO form (Md. Code TR § 23-105(a)).

An officer shall complete a visual inspection and certification upon contact by a member of the public or as assigned (Md. Code TR § 23-105(c)).

#### **504.7 RECORDS**

For each citation issued, this agency shall keep:

- (a) Every citation, or a record of every citation, for at least three years after issuance (COMAR 11.17.18.04).

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### *Safety Equipment Repair Orders (SERO), Traffic and Parking Citations*

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- (b) A record of the disposition of the charge by the District Court (Md. Code TR § 26-407(e)).

## Disabled Vehicles

### 505.1 PURPOSE AND SCOPE

This policy establishes guidelines for agency members who provide assistance to motorists in disabled vehicles on Maryland roadways.

### 505.2 POLICY

It is the policy of the Maryland Natural Resources Police to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

### 505.3 RESPONSIBILITIES

When an on-duty member of this agency sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, the police communications operators should be advised of the location of the disabled vehicle and the need for assistance. The police communications operators should then contact the agency having primary jurisdiction of that roadway to advise the agency of the location of the disabled vehicle.

### 505.4 ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by agency members will be contingent on the time of day, the location, the availability of agency resources and the vulnerability of the disabled motorist.

#### 505.4.1 MECHANICAL REPAIRS

Agency members shall not make mechanical repairs to a disabled vehicle. Members may standby to make the area safe for a citizen making repairs if they can be made in a reasonable timeframe and availability of agency resources permit.

#### 505.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this agency by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 505.4.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The agency member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

## **Chapter 6 - Investigation Operations**



# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

## 600.2 POLICY

It is the policy of the Maryland Natural Resources Police to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

## 600.3 INITIAL INVESTIGATION

### 600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Duty Officer.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 5. Collect any evidence.
  - 6. Take any appropriate law enforcement action.
  - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

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### *Investigation and Prosecution*

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#### **600.4 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

##### **600.4.1 AUDIO/VIDEO RECORDINGS**

An officer conducting a custodial interrogation of an individual who is suspected of having committed any violent felony offense, including murder, rape, sexual offense in the first degree or sexual offense in the second degree, shall make reasonable efforts to create an audiovisual recording in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings (Md. Code CP § 2-402).

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigations Section supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes. An audio or audiovisual recording made by a law enforcement unit of a custodial interrogation of a criminal suspect is exempt from the Maryland Wiretapping and Electronic Surveillance Act (Md. Code CP § 2-403).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when possible.

#### **600.5 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a written warning is the most appropriate disposition.
  - 1. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.

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- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

#### **600.6 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If an agency forensic examiner is unavailable, officers should request the assistance of an allied agency forensic examiner.

#### **600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this agency. Any member who becomes aware of potential criminal activity via the Internet while off-duty shall immediately contact their supervisor if the activity involves a minor child or exigent circumstances. The supervisor shall determine the best course of action.

As soon as practicable following awareness of other potential criminal activity beyond the member's level of access, the member shall complete the NRP-484 detailing a complete description of the information observed. The NRP-484 shall be addressed to the Special Services Bureau Chief via the member's chain of command.

The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using agency equipment.

Information obtained via the Internet should not be archived or stored in any manner other than agency-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies). The following are valid law enforcement purposes:

- (a) Crime analysis and situational assessment reports;
- (b) Criminal intelligence development; and
- (c) Criminal investigations.

##### **600.7.1 AUTHORIZATION FOR ONLINE UNDERCOVER ACTIVITY**

- (a) Only department personnel actively assigned to the Special Services Bureau are authorized to act in an online undercover capacity. Exceptions may be made on a case-by-case basis upon approval of the Special Services Bureau Chief.

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- (b) This includes (but is not limited to) any form of electronic communication involving images, messages, emails, instant messages, videos, posts, or tweets.
- (c) Access and use of an online undercover account shall only be done utilizing an undercover IP address.

#### 600.7.2 AUTHORIZATION TO UTILIZE SOCIAL MEDIA MONITORING TOOLS

- (a) Department members actively assigned to the Special Services Bureau, are authorized to utilize social media monitoring tools purchased by the department. Access to and use of these accounts is strictly limited to the identification and investigation of criminal activity.
- (b) Use of department purchased social media monitoring tools by anyone outside of the assigned account is prohibited.
- (c) Account information will be maintained by the Special Services Bureau Chief.

#### 600.7.3 ACCESS RESTRICTIONS

Information that can be accessed from any agency computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires the approval of the Special Services Bureau Chief prior to access. Information for all approved accounts will be maintained by the Special Services Bureau Chief.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

#### 600.7.4 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

## Sexual Assault Investigations

### 601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

#### 601.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Md. Code CR § 3-301 et seq. (Sexual Crimes).

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims (Md. Code CP § 11-923).

### 601.2 POLICY

It is the policy of the Maryland Natural Resources Police that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

### 601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates, and support for the victim (Md. Code CP § 11-926).
- (f) Participate in or coordinate with a SART or other multidisciplinary investigative teams as applicable.

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#### **601.4 REPORTING**

In all reported or suspected cases of sexual assault, a report shall be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

#### **601.5 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call the victim makes to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, members of a SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should not be asked or required to take a polygraph examination (34 USC § 10451).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

#### **601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

An officer shall offer the alleged victim the opportunity to be taken immediately to the nearest medical facility. The offer shall be made without regard for the place of the alleged sexual assault or where it is reported (Md. Code CP § 11-924(b)).

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing (Md. Code PS § 2-504(a)(3)(iii)).

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

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#### 601.6.1 DNA TEST RESULTS

Members investigating sexual assault cases should (Md. Code CP § 11-926; COMAR 02.08.01.03):

- (a) Within 30 days of any request by a victim, provide notification regarding the agency's decision as to whether to send a sexual assault evidence kit for analysis; and if sent, the status and results, unless doing so would impede or compromise the investigation.
- (b) If no request is made, victims should be notified of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in COMAR 02.08.02.04 and the Victim and Witness Assistance Policy.

Members investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

#### 601.6.2 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

- (a) Offer the alleged victim the opportunity to be taken immediately to the nearest medical facility. The offer shall be made without regard for the place of the alleged sexual assault or where it is reported (Md. Code CP § 11-924(b)).
- (b) Inform any victim who wants to remain anonymous and not file a criminal complaint that the victim may file a criminal complaint in the future (Md. Code CP § 11-926).
- (c) Submit any sexual assault evidence collection kit and any associated reference standards to a forensic laboratory for analysis within 30 days of receipt unless (Md. Code CP § 11-926):
  - 1. Clear evidence exists that disproves the sexual assault allegation.
  - 2. The alleged facts do not amount to a sexual assault, abuse, a crime relating to prostitution, or another covered crime.
  - 3. The victim from whom the evidence was collected declines to give consent for testing.
  - 4. The evidence was collected from a suspect who has pleaded guilty to the offense for the purpose of entry into the Combined DNA Index System (CODIS).
- (d) If not already completed, take steps to enter any eligible results of the analysis of a kit into CODIS (Md. Code CP § 11-926).
- (e) Promptly retrieve sexual assault evidence collection kits upon notice of their availability (e.g., a hospital calls and advises a kit is ready for law enforcement collection) (COMAR 02.08.01.04).

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- (f) Record in the agency's records management system all information necessary for reporting the required information about sexual assault evidence collection kits in the member's control or possession to the reporting program established by the Governor's Office of Crime Prevention, Youth, and Victim Services and ensure compliance with related regulations (Md. Code CP § 11-926.1). See the Records Section Policy for reporting responsibilities.

Additional guidance regarding evidence retention and destruction is found in the Property Policy.

#### **601.7 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Criminal Investigations Section supervisor.

Classification of a sexual assault case as unfounded requires the Criminal Investigations Section supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

#### **601.8 CASE REVIEW**

The Criminal Investigations Section supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

SART members and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Superintendent.

#### **601.9 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Criminal Investigations Section supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

#### **601.10 TRAINING**

Subject to available resources, the Training Unit should provide periodic training to:

- (a) Officers who are first responders. Training should include:
  1. Initial response to sexual assaults.



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2. Legal issues.
3. Victim advocacy.
4. Victim's response to trauma.
- (b) Qualified Investigators, who should receive advanced training on additional topics. Advanced training should include:
  1. Interviewing sexual assault victims.
  2. SART.
  3. Medical and legal aspects of sexual assault investigations.
  4. Serial crimes investigations.
  5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  6. Techniques for communicating with victims to minimize trauma.

## Asset Forfeiture

### 602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture, and liquidation of property associated with designated offenses.

#### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Superintendent to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Maryland Natural Resources Police seizes property for forfeiture or when the Maryland Natural Resources Police is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The agency member(s) assigned by the Superintendent who is responsible for reviewing all forfeiture cases and acting as the liaison between the Agency and the forfeiting authority (Md. Code CP § 12-101(f)).

**Property subject to forfeiture** - Items that may generally be subject to forfeiture include:

- (a) Real property, tangible and intangible personal property, money, weapons, vehicles, aircraft or vessels, and items or objects used in connection with a crime under the Controlled Dangerous Substances law (Md. Code CP § 12-102).
  - 1. Motor vehicles must meet required seizure guidelines (Md. Code CP § 12-204).
- (b) A handgun, handgun ammunition, or parts in violation of gun laws (Md. Code CP § 13-201).
- (c) A regulated firearm in violation of the law (Md. Code PS § 5-135).
- (d) Illegal possession of a handgun (Md. Code CR § 4-206).
- (e) Firearms used in specific designated crimes (Md. Code CR § 5-621(e)).
- (f) Money seized in illegal gambling investigations (Md. Code CP § 13-102).
- (g) Vehicles, vessels, or aircraft used in violation of explosives laws (Md. Code CP § 13-301).
- (h) Motor vehicles, money, and real property used in the connection of a violation of human trafficking laws (Md. Code CP § 13-502) or personal property that is directly or indirectly dangerous to health and safety (Md. Code CP § 13-504).
- (i) Contraband alcohol, cigarettes, and motor fuel, and conveyances used to transport the products (Md. Code TG § 13-835).
- (j) Crimes involving telecommunications and electronics (Md. Code CR § 7-310).

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- (k) Property used or intended for use in the course of a violation of the Mortgage Fraud law (Md. Code CP § 13-402).
- (l) Implements used in the violation of the Natural Resources Article (Md. Code NR Title 10 Subtitle 11; Md. Code NR Title 4 Subtitle 12).
- (m) Aquatic resources and wildlife seized as a result of a violation of Natural Resources Article (Md. Code NR Title 10 Subtitle 11; Md. Code NR Title 4 Subtitle 12).

**Seizure** - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

#### **602.2 POLICY**

The Maryland Natural Resources Police recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime, and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations, or any person's due process rights.

It is the policy of the Maryland Natural Resources Police that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

#### **602.3 ASSET SEIZURE**

The following property may be seized for forfeiture as provided in this policy:

##### **602.3.1 PROPERTY SUBJECT TO SEIZURE**

The following may be seized upon review and approval of a supervisor and in conjunction with the forfeiture reviewer:

- (a) Property subject to forfeiture may be seized on a warrant or court order.
- (b) Property subject to forfeiture may be seized without a warrant when:
  - 1. The seizure is incident to an arrest or a search under a search warrant and the property is subject to forfeiture due to a controlled dangerous substance violation, human trafficking violation, or handgun violation (Md. Code CP § 12-202; Md. Code CP § 13-504; Md. Code CP § 13-202).
  - 2. The seizure is incident to an inspection under an administrative inspection warrant and the property is forfeitable due to a controlled dangerous substance or human trafficking violation (Md. Code CP § 12-202; Md. Code CP § 13-504).
  - 3. There is probable cause to believe that the property has been used or is intended to be used for a violation of a Controlled Dangerous Substances law (Md. Code CP § 12-202).
- (c) Property subject to forfeiture that may be lawfully seized as evidence of a crime.
- (d) A vehicle, when there is probable cause to believe that it is subject to forfeiture for a violation of human trafficking (Md. Code CR § 3-1102; Md. Code CR § 3-1103) and after considering (Md. Code CP § 13-507):

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1. Evidence that the motor vehicle was acquired with proceeds from a transaction involving a violation of Md. Code CR § 3-1102 or Md. Code CR § 3-1103.
2. The circumstances of the arrest.
3. How the vehicle was used.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money alone is insufficient to establish the probable cause required to make a seizure.

#### **602.3.2 PROPERTY NOT SUBJECT TO SEIZURE**

Property that should not be seized for forfeiture includes:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds (Md. Code CP § 12-102).
- (b) Any personal property or vehicle if the officer reasonably knows the owner did not have knowledge of the offense or did not consent to the property's use ("innocent owner").
- (c) Real property without a court order.

#### **602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the appropriate forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs shall be taken of seized cash and should be taken of other valuable items (Md. Code CP § 12-202(b)(1); Md. Code CP § 13-103; Md. Code CP § 13-505).

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real

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estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

#### **602.5 MAINTAINING SEIZED PROPERTY**

The Property Storage Area Commander/Evidence Custodian is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (Md. Code CP § 12-203).
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used by the Agency unless the forfeiture action has been completed.
- (e) All money is deposited into the appropriate financial account (Md. Code CP § 12-202; Md. Code CP § 13-103; Md. Code CP § 13-505).
- (f) Pending final disposition, money seized for illegal gambling shall be properly accounted for and deposited in an interest-bearing bank account or invested in accordance with Title 17 of the Local Government Article (Md. Code CP § 13-104).
- (g) On receipt of an application, the Agency shall hold an informal review to determine whether the owner knew or should have known of the use or intended use of a handgun that is seized in violation of Md. Code CR § 4-203 or Md. Code CR § 4-204 (Md. Code CP § 13-204).
- (h) The Agency shall surrender a motor vehicle to the owner upon request if the motor vehicle falls within the purview of a forfeiture exception or the required legal standards are not met (Md. Code CP § 12-207; Md. Code CP § 13-509).

#### **602.6 FORFEITURE REVIEWERS**

Area/Unit Commanders shall serve as the forfeiture reviewer for routine seizures that fall under their purview. The Superintendent will designate forfeiture reviewers for seizures that are not routine.

The responsibilities of forfeiture reviewers include:

- (a) Remaining familiar with forfeiture laws, particularly Criminal Procedure Article Title 12 and Title 13.
- (b) Ensuring the proper disposition of all seized/forfeited property (Md. Code CP § 12-101(j)).
- (c) Serving as the liaison between the Agency and the forfeiting authority and ensuring prompt legal review and filing of all seizures (Md. Code CP § 12-304; Md. Code CP § 13-517).

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- (d) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (e) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate (Md. Code CP § 12-212).
- (f) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (g) Ensuring that seizure forms are available and appropriate for agency use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers.
- (h) Ensuring that members who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (i) Reviewing each asset forfeiture case to ensure that:
  - 1. Written documentation of the seizure and the items seized is in the case file.
  - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  - 3. The Superintendent personally reviews and recommends forfeiture of motor vehicles in violation of the Controlled Dangerous Substances or Human Trafficking laws (Md. Code CP § 12-206; Md. Code CP § 13-508).
  - 4. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Md. Code CP § 12-104; Md. Code CP § 12-209).
  - 5. Property is promptly released to those entitled to its return.
  - 6. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  - 7. Any cash received is deposited with the fiscal agent.
  - 8. Assistance with the resolution of ownership claims and the release of property to those entitled is provided (Md. Code CP § 12-203).
  - 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (j) Ensuring that the Agency disposes of property as provided by law following any forfeiture.
- (k) Ensuring that the process of selling or adding forfeited property to agency inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.

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- (l) Upon completion of any forfeiture process, ensuring that no property is retained by the Maryland Natural Resources Police unless the Superintendent authorizes in writing the retention of the property for official use.
- (m) Ensuring that an annual report is filed with the Maryland Statistical Analysis Center of the Governor's Office of Crime Prevention, Youth, and Victim Services as required by Md. Code CP § 12-602.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and State financial directives.

#### **602.7 DISPOSITION OF FORFEITED PROPERTY**

No member of this agency may use property that has been seized for forfeiture until the forfeiture action has been completed and the Superintendent or the authorized designee has given written authorization to retain the property for official use. No agency member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

If an order of forfeiture is not entered by the court, the Agency shall return to the owner that part of the proceeds and any costs of the forfeiture proceedings paid from the proceeds of the sale (Md. Code CP § 12-503; Md. Code CP § 13-534).

After a full court hearing, if the court determines that the property should not be forfeited, the property shall be promptly returned to the legal owner (Md. Code CP § 12-402; Md. Code CP § 13-534).

Whenever property is forfeited by the court under the Controlled Dangerous Substances or Human Trafficking laws, the property may be kept for official use, destroyed or otherwise disposed of, or the Agency may sell the property if the law does not require the property to be destroyed and the property is not harmful to the public (Md. Code CP § 12-403; Md. Code CP § 13-529).

Whenever property is forfeited under a violation of gun laws, the Agency may only retain the property for official use, destroy the forfeited property, or sell, exchange, or transfer the forfeited property to another law enforcement agency for official use by that agency (Md. Code CP § 13-206(a)).

Shared forfeiture proceeds from a state law enforcement agency under the Controlled Dangerous Substances law shall be deposited in the State general fund (Md. Code CP § 12-403(e)).

Forfeiture proceeds under the Maryland Mortgage Fraud Protection Act shall be deposited in the state's general fund (Md. Code CP § 13-407(c)(4)).

Proceeds from a violation of the Human Trafficking laws shall be deposited to the State General Fund (Md. Code CP § 13-530).

# Informants

## 603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

### 603.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Maryland Natural Resources Police for law enforcement purposes. This also includes a person agreeing to supply information to the Maryland Natural Resources Police for a benefit (.e.g., a quid pro quo in the form of a reduced criminal penalty, money).

Persons who provide information to law enforcement with no expectation of benefit or leniency in exchange for their assistance, including those calling the Wildlife Crimestopper tip line, do not fall under this definition. These persons are considered concerned citizens, or sources of information, and are not governed by this policy, although officers should take every precaution to protect their identity unless that person specifically agrees to provide testimony or be named in an incident report or search and seizure warrant affidavit.

## 603.2 POLICY

The Maryland Natural Resources Police recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this agency that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

## 603.3 USE OF INFORMANTS

### 603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility. Once this has been documented, and supervisory approval has been given, the officer shall meet with the Task Force Section supervisor to discuss the quality and importance of the information the informant can provide. The Task Force Section Supervisor will ensure the necessary paperwork is completed to officially enroll the individual with the Agency as an informant. If the individual is approved for use as an informant, the Task Force Section supervisor shall obtain the necessary approval before utilizing the informant.

Members of this agency should not guarantee absolute safety or confidentiality to an informant.

### 603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.



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In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Superintendent or the authorized designee

#### **603.3.3 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated agency informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by the Task Force Section supervisor before being finalized with the informant.

#### **603.4 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Superintendent or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Maryland Natural Resources Police, and that they shall not represent themselves as such.
- (d) Informants shall not take any action or initiate any contact regarding an investigation without the approval and direction of the assigned investigator.
- (e) The relationship between agency members and informants shall always be ethical and professional.
  - 1. All contacts with informants shall be documented as part of the investigative report for the specific investigation the informant is being utilized for.
  - 2. Members shall not become intimately involved with an informant.
  - 3. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Task Force Section supervisor.
  - 4. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (f) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Task Force Section supervisor.
  - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.

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2. If it is impossible to be accompanied by another officer, the location of the meeting, informant number, date and time of the meeting shall be communicated to the Task Force Section supervisor.
- (g) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (h) In all instances when agency funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (i) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

#### **603.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the Task Force Section supervisor, who will initiate a review to determine suitability. Until a determination has been made by the Task Force Section supervisor, the informant should not be used by any member. The Task Force Section supervisor shall determine whether the informant should be used by the Agency and, if so, what conditions will be placed on his/her participation or any information the informant provides. The Task Force Section supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this agency to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **603.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of agency members or the reliability of the informant.

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Informant files shall be maintained in a secure area within the Task Force Section. The Task Force Section supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Superintendent, Deputy Superintendent, Special Services Bureau Chief, Task Force Section supervisor or their authorized designees.

The Special Services Bureau Chief should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Task Force Section supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

#### 603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. The control number shall be used in lieu of the informant's name in investigative reports. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Criminal history record
- (j) Briefs of each item of information provided by the informant, or each task assigned to the informant, the results of each, and his/her continued subsequent reliability
  - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (k) Name of the officer initiating use of the informant
- (l) Signed informant agreement
- (m) Update on active or inactive status of informant

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#### **603.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage of payment for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- Any leniency being offered by the prosecutor
- The level of risk taken by the informant

The Task Force Section supervisor will discuss the above factors with the Special Services Bureau Chief and recommend the type and level of payment, subject to approval by the Superintendent.

##### **603.6.1 PAYMENT PROCESS**

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Task Force Section buy/expense fund.
  1. The Task Force Section supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by a method decided on a case-by-case basis after consultation with the Administrative Services Bureau Chief.
  1. If payment is made by check, notations shall be made on the check listing the case numbers related to and supporting the payment.
  2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
  3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
  4. Authorization signatures from the Superintendent are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall cash the check, then complete a cash transfer form provided by the Task Force Section supervisor.
  1. The cash transfer form shall include the following:
    - (a) Date.
    - (b) Payment amount.
    - (c) Maryland Natural Resources Police case number.

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- (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
- 2. The cash transfer form shall be signed by the informant, investigating officer and a witness.
- 3. The cash transfer form will be kept in the informant's file.

#### 603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

#### 603.6.3 AUDIT OF PAYMENTS

The Task Force Section supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Superintendent or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

## Eyewitness Identification

### 604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this agency employ eyewitness identification techniques (Md. Code PS § 3-506).

#### 604.1.1 DEFINITIONS

Definitions related to this policy include (Md. Code PS § 3-506.1):

**Composite** - Renderings or recollections of a witness describing a suspect's appearance. Composites may be completed by an artist, computer program, or Identi-Kit which features a variety of different facial features.

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Filler** - means a person or a photograph of a person who is not suspected of an offense and is included in an identification procedure.

**Folder Shuffle Method** - means a system for conducting a photo lineup that:

- (a) Complies with the requirements of this section; and
- (b) Is conducted by placing photographs in folders, randomly numbering the folders, shuffling the folders, and then presenting the folders sequentially so that the administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

### 604.2 POLICY

The Maryland Natural Resources Police will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

### 604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

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Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

#### **604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM**

The Criminal Investigations Section supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms (NRP-560 through 562) or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification (Md. Code PS § 3-506.1).
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures, instructions and identification statement.
- (j) A signed statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure (Md. Code PS § 3-506.1).

The process and related forms should be reviewed at least annually and modified when necessary.

#### **604.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

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In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Except in unusual circumstances, a witness will participate in one and only one type of eyewitness identification procedure. This will help ensure that an eyewitness's memory is not tainted by viewing a suspect more than once.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

#### **604.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup (Md. Code PS § 3-506.1).

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

##### **604.6.1 MULTIPLE EYEWITNESSES**

When there are multiple eyewitnesses (Md. Code PS § 3-506.1):

- (a) The identification procedure shall be conducted separately for each eyewitness.
  - 1. Instructions shall be provided to each eyewitness outside the presence of other eyewitnesses.
- (b) The suspect shall be placed in a different position for each identification procedure conducted for each eyewitness.
- (c) The eyewitnesses may not be allowed to communicate with each other until all identification procedures have been completed.

##### **604.6.2 MULTIPLE SUSPECTS**

If an eyewitness has previously participated in an identification procedure in connection with the identification of another person suspected of involvement in the offense, the fillers in the identification procedure shall be different from the fillers used in any prior identification procedure (Md. Code PS § 3-506.1).



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#### 604.6.3 NUMBER OF LINEUP MEMBERS

Lineups shall consist of the following number of members, not including the suspect (Md. Code PS § 3-506.1).

- (a) For a live lineup, at least four persons.
- (b) For a photo lineup, at least five photographs.

#### 604.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

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- (h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

#### **604.8 COMPOSITES**

The use of composite images can yield investigative leads in cases in which no suspect has been determined. Use of these procedures can facilitate obtaining a description from the witness that will enable the development of a reasonable likeness of the suspect.

Composite images can be beneficial investigative tools; however, they should not be used as stand-alone evidence and may not rise to the level of probable cause.

Composites provide a depiction that may be used to develop investigative leads.

#### **604.9 DOCUMENTATION**

A thorough description of the eyewitness process and the result of any eyewitness identification shall be documented in the case report (Md. Code PS § 3-506.1).

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness shall be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

A written record is not required if a video or audio record of the identification procedure is made that captures all of the information specified in Md. Code PS § 3-506.1.

## Brady Information

### 605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

#### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** - Information known or possessed by the Maryland Natural Resources Police that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 605.2 POLICY

The Maryland Natural Resources Police will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Maryland Natural Resources Police will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Agency will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant, attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the agency case file.

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#### **605.4 BRADY PROCESS**

The Superintendent shall select a member of the Agency to coordinate requests for *Brady* information. This person shall be directly responsible to the Special Services Bureau Chief for their authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the Attorney General's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
  - 1. Updating this list whenever potential *Brady* information concerning any agency member becomes known to the Agency or is placed into a personnel or internal affairs file.
  - 2. Providing timely notice to an officer if his/her name is placed on the list.

#### **605.5 DISCLOSURE OF REQUESTED INFORMATION**

If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and agency member whose file is related to the motion shall be notified of the potential presence of *Brady* information.
- (b) The prosecuting attorney or Attorney General should be requested to file a motion in order to initiate a review by the court.
  - 1. If no motion is filed, the Custodian of Records should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
  - 1. Prior to the release of any information pursuant to this process, a protective order should be requested from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

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#### **605.6 INVESTIGATING BRADY ISSUES**

If the Agency receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

#### **605.7 SUBPOENA PROCESSING**

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

#### **605.8 TRAINING**

Agency personnel should receive periodic training on the requirements of this policy.

## Warrant Service

### 606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this agency. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

### 606.2 POLICY

It is the policy of the Maryland Natural Resources Police to balance the safety needs of the public, the safety of agency members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 606.3 OPERATIONS DIRECTOR

The Response Team Section supervisor (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The Response Team Section supervisor will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 606.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the Response Team Section supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

While executing a search warrant, police officers shall be clearly recognizable and identifiable as a police officer, wearing a uniform, badge, and tag bearing the name and identification number of the police officer.

### 606.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and

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submit it to the appropriate supervisor and the Response Team Section supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the Response Team Section supervisor. If the warrant is not classified as high risk, the supervisor or operational lead should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

#### **606.6 WARRANT PREPARATION**

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution (Md. Code CP § 1-203).
  - 1. No-knock warrant applications shall be consistent with the requirements of state law (Md. Code CP § 1-203).
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Information Policy).

#### **606.6.1 WARRANT EXECUTION PROCEDURES**

The operations director should establish procedures regarding execution of search warrants (e.g., appropriate approvals and training, time of service limitations, measures for participants to be identifiable and recognizable as uniformed officers, use of body-worn cameras where required) (Md. Code CP § 1-203).

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#### **606.7 HIGH-RISK WARRANT SERVICE**

The Response Team Section supervisor or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed. Once the location and all occupants have been secured, the Response Team section supervisor shall release the scene to the appropriate supervisor or operational lead for any further search and seizure authorized by a warrant.

The operational lead or member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is video-recorded when practicable and legal to do so under Md. Code CJ § 10-402. The warrant service may be audio-recorded with the consent of all parties.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

#### **606.8 DETENTIONS DURING WARRANT SERVICE**

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).



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As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released. Once a person is released, they must vacate the warrant location and be ordered not to return until the scene has been released back to the owner/occupant.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

#### **606.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

#### **606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The Response Team Section supervisor or other supervisor responsible for the warrant service will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting Maryland Natural Resources Police assistance in the service of a warrant should be referred to the appropriate Area or Unit Commander. The Commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Commander should ensure that members of the Agency are utilized appropriately. Any concerns regarding the requested use of agency members should be brought to the attention of the Commander's chain of command. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Area/Unit Commander is unavailable, the Regional/Division Commander should assume this role.

If officers intend to serve a warrant outside agency jurisdiction, the Area/Unit Commander should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Agency when assisting outside agencies or serving a warrant outside agency jurisdiction.

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### *Warrant Service*

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#### **606.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Superintendent. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **606.12 TRAINING**

The Commanders should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

#### **606.13 DOCUMENTATION**

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

#### **606.14 NO-KNOCK ENTRIES**

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

# Operations Planning and Deconfliction

## 607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 607.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 607.2 POLICY

It is the policy of the Maryland Natural Resources Police to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 607.3 OPERATIONS DIRECTOR

The Special Operations Division (SOD) is responsible for performing risk assessments as required by this policy.

The Search Warrant Threat Assessment form (NRP 483) provides a process to identify high-risk operations.

The SOD Commander will maintain the NRP 483 to assess, plan and coordinate operations.

The Response Team Section Supervisor will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The Response Team Section Supervisor will also have the responsibility for coordinating operations that are categorized as high risk.

## 607.4 RISK ASSESSMENT

### 607.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for the service of search and seizure, arrest warrants, or any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include local law enforcement or task forces, regional intelligence and criminal justice databases, target deconfliction systems, firearm records,

# Maryland Natural Resources Police

## Policy Manual

### *Operations Planning and Deconfliction*

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commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

#### 607.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form NRP 483 and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the Response Team Section supervisor.

The supervisor and Response Team Section supervisor shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

#### 607.4.3 HIGH-RISK OPERATIONS

If the Response Team Section supervisor, after consultation with the involved supervisor, determines that the operation is high risk, the Response Team Section supervisor should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  - (a) Tactical Response Team (TRT)
  - (b) Additional personnel
  - (c) Outside agency assistance

# Maryland Natural Resources Police

## Policy Manual

### *Operations Planning and Deconfliction*

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- (d) Special equipment
- (e) Medical personnel
- (f) Persons trained in negotiation
- (g) Additional surveillance
- (h) Canines
- (i) Specialized mapping for larger or complex locations
- (b) Contact the appropriate agency members or other agencies as warranted to begin preparation.
- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

#### **607.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall contact the Task Force Section supervisor to ensure the subject of investigation and operations information are entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the Task Force Section supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

#### **607.6 OPERATIONS PLAN**

The Response Team Section supervisor should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
  - 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
  - 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present,

# Maryland Natural Resources Police

## Policy Manual

### *Operations Planning and Deconfliction*

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information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
  4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
- (a) An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of an active legitimate law enforcement operation.
  - (b) How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan.

#### **607.6.1 OPERATIONS PLAN RETENTION**

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

#### **607.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and

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## Policy Manual

### *Operations Planning and Deconfliction*

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responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The officer conducting the briefing shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - (a) It is the responsibility of the officer conducting the briefing to ensure that a sworn supervisor in the Communications Center is notified at the time of service and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
  - (b) If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
  - (c) The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

#### **607.8 TRT PARTICIPATION**

If the SOD Command determines that TRT participation is appropriate, they and the TRT shall ensure a written plan is developed. The TRT team leader shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the TRT team leader supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

#### **607.9 ON SCENE SUPERVISOR RESPONSIBILITIES**

When TRT turns over the scene to the on-scene supervisor to conduct appropriate searches the following should be considered:

- (a) Identify Property Storage Area or analytical personnel to assist with cataloging seizures
- (b) Possible utilization of forensic specialists
- (c) Designating responsibilities for collecting, reviewing, and approving reports.
- (d) Ensure media relations are handled in accordance with the Media Relations Policy.

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#### **607.10 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Superintendent. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **607.11 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any TRT debriefing.

#### **607.12 TRAINING**

Commanders should ensure officers and TRT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.



## **Chapter 7 - Equipment**

## Lost or Damaged NRP Equipment

<b>Effective Date:</b>	10/25/22
<b>Revised Date:</b>	REVIEWED--09/27/23
<b>Issuing Authority:</b> COL/NEXT REVIEW BY 10/01/24	

### 700.1 PURPOSE

The policy addresses the care of agency-owned property and the role of the Agency when personal property, the property of another or agency-owned property is damaged or lost.

### 700.2 POLICY

Members of the Maryland Natural Resources Police shall properly care for agency property assigned or entrusted to them. Agency-owned property that becomes damaged shall be promptly replaced. The Agency will not replace or repair personal property or equipment.

### 700.3 DEFINITIONS

Damage - any physical damage to NRP equipment; does not include the need for replacement or repair of such equipment as a result of normal wear or malfunction.

Loss - includes the accidental loss and/or theft of NRP equipment.

NRP Equipment - all property or items, or parts thereof, owned and/or issued by the NRP, except property or items which are commonly considered to be expendable.

Collision - the striking together of two objects.

### 700.4 SCOPE

The procedures and reports required in this policy apply in all cases involving the loss of, or damage to, NRP equipment except damage to an NRP vehicle or vessel as a result of a collision (refer to Procedure 501, Traffic Accidents, or Procedure 1211, Departmental Vessel Accidents).

### 700.5 AGENCY PROPERTY

All property and equipment issued by the Agency shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Agency, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

Suspension from duty shall relieve the member from the privilege of using Agency uniforms and equipment.

Accordingly, an officer suspended from duty shall immediately turn-in to their supervisor all portable radios, agency-issued vehicles, firearms, handcuffs, identification cards, badges, computers, cellphones, and body worn cameras.

# Maryland Natural Resources Police

## Policy Manual

### *Lost or Damaged NRP Equipment*

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An officer under suspension shall turn in other such Agency issued equipment as may be designated by the conditions of their suspension.

#### 700.5.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of agency property that has been assigned or entrusted to them.

Intentional or negligent abuse or misuse of agency property may lead to discipline including, but not limited to, the cost of repair or replacement.

The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.

Except when otherwise directed by competent authority or otherwise reasonable by circumstances, agency property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

Agency property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

#### 700.5.2 LOST OR DAMAGED NRP EQUIPMENT

- A. Members shall promptly report any loss, damage to, or unserviceable condition of any Agency-issued property or equipment to their supervisor and document in Blue Team following the procedure below.
- B. In the case of damage to an NRP vehicle or vessel that is the result of a collision, members will follow Procedure 501, Traffic Accidents, or Procedure 1211, Departmental Vessel Accidents, EXCEPT when the damage is:
  1. GLASS DAMAGE – exclusively confined to the windshield or other glass and was caused by an object falling from or set in motion by another vehicle;
  2. UNSEEN SUBMERGED OBJECT – caused from submerged debris which the member was not aware of, could not avoid and could not see;
  3. PAINT DAMAGE AS A RESULT OF RURAL PATROL – Minor, superficial paint damage which did not damage the actual metal body of the vehicle or fiberglass of the vessel. Examples include:
    - (a) Paint scratches from branches while patrolling wooded areas,
    - (b) A scratch caused by a patrol boat rubbing a piling and not as a result of improper securement of the boat,
    - (c) Minor chips in paint or fiberglass from normal wear and tear and not from improper use or misconduct.

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## Policy Manual

### *Lost or Damaged NRP Equipment*

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- C. If the damage resulted from any incident listed in B1, B2, or B3 immediately above, the member will not complete a Blue Team entry, but will instead document the damage in an abbreviated manner by doing the following:
  - 1. Open a CAD incident, notify their supervisor, take photographs, and document the incident on an NRP-510, Memorandum, and send to their supervisor, ensuring the photographs are attached.
  - 2. The supervisor will investigate the damage to ensure it was not caused by negligence or the result of a collision.
    - (a) If the investigation reveals the damage was not caused by negligence and was not the result of a collision, the supervisor will forward the packet with their endorsement on an NRP-511, Routing Slip, up the chain of command to the member's Bureau Chief for their recommendation and endorsement.
    - (b) If the supervisor's investigation found the incident to be caused by negligence, the supervisor will ensure the below procedure, 700.5.3, is followed.
    - (c) If the supervisor's investigation found the incident to be caused by a collision, and is not the result of B1, B2 or B3 above, the supervisor will ensure either Procedure 501, Traffic Accidents, or Procedure 1211, Departmental Vessel Accidents is followed.
- D. If the damage was not a result of a collision, AND NOT a result of B1, B2 or B3 listed above, the member will document the damage in Blue Team, and follow the below procedure, 700.5.3 (NOTE: if the damage was a result of a collision, this policy does not apply and members will follow usual crash reporting directives as outlined in Procedure 501, Traffic Accidents, or Procedure 1211, Departmental Vessel Accidents, as applicable).

#### 700.5.3 REPORTING IN BLUE TEAM

- A. Review 700.5.2 above; if the incident is required to be reported in Blue Team, follow the procedure below.
- B. Required Notifications for Collisions
  - 1. Damage or loss of Agency-owned property will be reported immediately by the employee to their immediate Supervisor, and a CAD incident will be opened.
- C. Blue Team Entry and Routing procedure
  - 1. Involved member
    - (a) After the member makes notification to their immediate supervisor the member will open a Blue Team "Property Damage or Loss" incident.
    - (b) The incident will be completed in entirety to include a detailed summary of events.
    - (c) If damage is being reported, photographs of the damaged property will be taken and uploaded.

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## Policy Manual

### *Lost or Damaged NRP Equipment*

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- (d) Upon completion of the Blue Team entry the incident will be forwarded to the supervisor of the next rank for investigation.
- 2. Supervisor
  - (a) The supervisor will review the incident for completeness and investigate if misconduct or negligence caused the loss or damage.
  - (b) All findings will be written in the "Reviewer's Comment" prior to incident forwarding.
  - (c) Once complete the supervisor will forward the incident to the supervisor of the next rank for review.
- 3. Reviewing Supervisor
  - (a) Once the Blue Team entry is forwarded to the Captain's level, the Captain shall perform a final review of the incident and forward it directly to IAPro.
    - 1. The incident will then be tasked to the NRP Review Board for final disposition.

#### 700.5.4 NRP REVIEW BOARD

The NRP Review Board should determine whether additional action is appropriate.

In a lost or damaged property incident, where the NRP Review Board has issued a finding of preventable, the Board will also decide as to any corrective action that needs to be taken.

The involved officers may be subject to one or more of the following corrective actions:

- Restitution (only if negligence is indicated)
- Remedial training
- Letter of Counseling
- Any other action deemed appropriate by the Superintendent.

#### 700.5.5 RETURN OF PROPERTY

Upon termination of employment with the Natural Resources Police, personnel who have been issued State property shall turn-in all equipment listed on the form NRP-490C to a designated supervisor or in person to the Supply and Maintenance Unit commander or their designee.

#### **700.6 DAMAGE TO PROPERTY OF ANOTHER**

Members who intentionally or unintentionally damage or cause to be damaged the real or personal property of another while performing any law enforcement function shall notify their supervisor, complete the General Loss Liability Notice (NRP-449) and obtain an incident number.

The supervisor receiving such a report shall investigate and submit the NRP-449 through their chain of command to the NRP Review Board.

The review board will review the incident to determine whether misconduct or negligence was involved

## Personal Communication Devices

<b>Effective Date:</b>	07/13/23
<b>Revised Date:</b>	REVIEWED--09/27/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Agency or personally owned, while on duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the Internet.

### 701.2 POLICY

The Maryland Natural Resources Police allows members to utilize agency-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any agency owned PCD used in any manner will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery.

### 701.3 DEFINITIONS

**Personal communication device** - cellular telephones, tablets (iPads, surfaces, etc.) and any such device designed to record, transmit, and/or receive voice communications, text, emails, sound, video, or photographic images.

**Text Messaging** - the act of using any texting application to send and receive messages that are text, video, or photo based instead of verbal.

**Obscene Material** - material that the average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest.

**App** - a cellular application, most commonly referred to as an app, is a type of application software designed to run on a cellular device, such as a smartphone or tablet computer.

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### *Personal Communication Devices*

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#### **701.4 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Agency and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

All electronic data stored on, sent from, or received by the agency-issued PCD shall be the property of the NRP and may be disclosable in criminal and civil discovery, or pursuant to subpoena, court order, the Freedom of Information Act (FOIA), or the Maryland Public Information Act (MPIA), where applicable.

#### **701.5 AGENCY-ISSUED PCD & RELATED DIRECTIVES**

The Agency may, at its discretion, issue a PCD for the member's business-related purposes. Agency-issued PCDs may be used for business-related purposes either on or off-duty in accordance with this policy and the [Mobile Devices and Services Statewide Policy](#). Such devices and the associated telephone number, if any, shall remain the sole property of the Agency and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

The following directives will be adhered to by any member issued an agency PCD:

- A. Agency-issued PCDs shall be in the member's possession, charged, and turned on while on duty. In circumstances where it may be considered disruptive or a distraction, the PCD should be placed on silent or vibrate.
- B. Members are expected to answer incoming calls and text messages to their agency-issued PCD while on duty, unless assigned to a call or incident that would make answering impossible or inappropriate. In that case, the member will respond as soon as able.
- C. Members will answer their agency-issued PCD in a professional manner. Members will check their voicemail at least once per shift and return phone calls by the end of the member's next shift, or sooner as directed by a supervisor.
- D. Members will not allow their PCD voicemail box to become full to the point that a caller is not able to leave a message. Voicemails should be managed as needed and deleted, if appropriate, to ensure callers are able to leave voicemail messages at all times.
- E. Voicemail messages will be recorded by the member, and not the default version that only provides the phone number. The voicemail message will include the member's rank, last name, and agency name, and a message that the call will be returned as soon as possible.
- F. Use of the agency-issued PCD should not interfere with the performance of the member's job responsibilities, activities of other Agency employees, or involve unprofessional behavior and/or illicit purposes.
- G. Agency-issued PCDs shall remain in the Agency issued case at all times. Members are liable for any damage that occurs to an Agency-issued PCD while not in this case. Damage to agency issued PCDs will be immediately reported to the member's

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### *Personal Communication Devices*

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immediate supervisor (or duty officer if the immediate supervisor is not working), and then follow Policy 700, "Agency-Owned and Personal Property".

- H. All agency issued PCDs shall be used primarily for official state business. State-issued equipment is to be used for the benefit of the Agency and personal use shall be kept to a minimum.
- I. Members will be responsible for additional costs associated with unauthorized use of agency-issued PCDs, such as personal messaging or exceeding the allotted time limits, picture texting, roaming charges, etc.
- J. All agency issued cellular devices must be returned to the LE Tech Support Section upon separation of employment or when being issued a replacement cellular device.
- K. Digital images captured as evidence must be treated as evidence in accordance with established procedures.
- L. Members shall use the associated body worn camera PCD application to take photographs, video recordings, and/or audio recordings, if so issued.
- M. When appropriate, the member should provide the phone number of their agency-issued PCD to any victim.
- N. Because agency members are subject to call-out, agency members will list a working phone number they can be reached at 24 hours a day, 7 days a week, on the appropriate schedule for their Area/Unit/Division.

#### **701.6 PROHIBITED ACTS**

- A. Members shall not use their agency-issued PCD in a manner that would jeopardize, interfere, or circumvent agency operations.
- B. No member/officer/user may use or have an application installed on an NRP device, including an agency-issued PCD, that would circumvent the State's Public Information Act by destroying and/or denying access (encryption, multi factor authentication) to messages. Examples of this include but are not limited to: Signal, WhatsApp, Telegram Messenger, etc. Any questions regarding applications should be directed to the LE Technical Support Section.
- C. Members shall not take their agency-issued PCD out of the United States without written permission from their commander. Members will be responsible for charges associated with traveling abroad if an agency-issued PCD is taken outside the United States in violation of this policy.
- D. Except while conducting an official investigation, a member shall not create, observe, copy, or distribute offensive or disruptive communications, including those which contain any sexual content or sexual implications, obscene material, racial slurs, gender-specific comments, or any other content that offensively refers to a person's race, creed, religion, physical or mental disability, color, sex, national origin, age, occupation, marital status, political opinion, gender/sexual orientation, or any other protected group.
- E. Members shall not edit, alter, erase, duplicate, copy, or share PCD data outside of NRP unless otherwise authorized herein.



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### *Personal Communication Devices*

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- F. Any unauthorized attempts by any member to gain access to another member's PCD is strictly prohibited.
- G. Members will not solicit or advocate for commercial ventures, outside organizations, or religious, charitable or political causes via an agency-issued PCD.
- H. Members will not send, receive, copy, disclose, or distribute copyrighted materials, proprietary information, or similar materials without express authorization from the author or owner.
- I. Members will not make extended length telephone calls for personal purposes.
- J. Members will not copy or transmit confidential personal information, or attempt to copy or transmit any private or non-public information when not required by the official business or work of the agency.
- K. Users not in compliance with this policy may be subject to disciplinary action.

#### **701.7 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) The Agency accepts no responsibility for loss of or damage to a personally owned PCD.
- (b) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (c) Members shall not use personally owned PCDs for any agency-related work other than telephonic communication.
- (d) All work-related documents, emails, photographs, recordings, or other public records created or received on a member's personally owned PCD should be transferred to the Maryland Natural Resources Police and/or deleted from the member's PCD as soon as reasonably practicable.
- (e) Members should be cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery.
- (f) If the Agency becomes aware that a PCD was used to facilitate a violation of civil or criminal law or violation of agency policy, it may be subject to seizure and become evidence in a legal or administrative proceeding.

#### **701.8 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct agency business:

- (a) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

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## Policy Manual

### *Personal Communication Devices*

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- (b) The downloading of applications is controlled by the LE Tech Support Section. Downloading applications not approved by the LE Tech Support Section is strictly prohibited.
- (c) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

#### **701.9 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Internal Affairs Unit Commander.
  - 3. In accordance with this policy, supervisors are authorized to conduct an administrative inspection of electronic files and downloaded applications without prior notice, consent, or a search warrant, on agency-issued PCDs.

#### **701.10 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other agency communications network.

#### **701.11 USE WHILE DRIVING**

The use of a PCD while driving is only permitted for officers who are acting within the scope of their official duties. However, such use can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Therefore, officers should restrict the use of these devices to matters of an urgent nature and should utilize the PCD in hands-free mode (Md. Code TR § 21-1124.2).

The Agency shall not be responsible to the member or any other party, either for payment of fines for a violation of a state's wireless device law, or claims arising out of a motor vehicle crash, which has been determined to be caused by a violation of the law.

At no time shall a cell phone or wireless device be used during a priority response or a pursuit.

# Vehicle Maintenance

## 702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that agency vehicles are appropriately maintained.

## 702.2 POLICY

The Maryland Natural Resources Police will service agency vehicles to ensure they remain operational and maintain their appearance, as resources allow.

## 702.3 GENERAL DUTIES

Members are responsible for assisting in maintaining agency vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

## 702.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Supervisory notification and proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

### 702.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

### 702.4.2 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

## 702.5 VEHICLE EQUIPMENT

All agency vehicles shall be equipped with the equipment contained on the Vehicle Inventory and Inspection Report.

## 702.6 VEHICLE REFUELING

Patrol vehicles should not be retired at the end of shift with less than one-quarter tank of fuel. State vehicles shall be fueled from the Statewide Automated Fuel Dispensing and Management System or at fuel pumps located at a State facility, except for emergencies or rare and unusual instances when such use is not possible.

## 702.7 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Agency.

Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

## Vehicle Use

<b>Effective Date:</b>	09/27/23
<b>Revised Date:</b>	REVIEWED--08/17/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--09/01/24

### 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure agency vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of agency vehicles and shall not be construed to create or imply any contractual obligation by the State of Maryland to provide assigned take-home vehicles.

### 703.2 POLICY

The Maryland Natural Resources Police provides vehicles for agency-related business and may assign vehicles based on a determination of operational efficiency, economic impact to the Agency, requirements for tactical deployments and other considerations.

### 703.3 USE OF VEHICLES

State-owned vehicles shall be operated only by drivers who have signed the Department of Budget and Management (DBM) Acknowledgment Statement - Policies and Procedures for Drivers of State Vehicles (NRP-306ACK).

All drivers must have a driver's license which is valid in the State of Maryland.

#### 703.3.1 ASSIGNED VEHICLES

The Area Commanders shall ensure their vehicle inventory is updated when officers are assigned new vehicles or when officers switch vehicles permanently.

#### 703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Duty Officer. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

#### 703.3.3 INSPECTIONS

Members shall be responsible for the daily inspection of the interior and exterior of any assigned vehicle. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this agency should be inspected prior to placing another person in the vehicle and again after

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the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before (if safe and practicable) and after that person is transported.

All agency vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

#### 703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. Unattended means that the employee is not in the immediate vicinity of the vehicle or does not have the vehicle in his/her clear observation. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

#### 703.3.5 MOBILE DATA TERMINAL (MDT) & MOBILE CAD USE

All sworn agency personnel, holding the rank of captain and below, shall log onto Mobile CAD, utilizing their MDT upon beginning their commute to their assignment, and will remain logged in to Mobile CAD until the member has completed their commute following their tour of duty. Exceptions are granted by unit commanders on a case-by-case basis and generally reserved for those operating in covert/special investigative units. If unable to log in, the member shall notify the Communications Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

#### 703.3.7 AUTHORIZED PASSENGERS

Members operating agency vehicles shall not permit persons other than State personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy.

With the exception of police canines, domestic animals are prohibited in state vehicles.

#### 703.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any agency vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### 703.3.9 PARKING AND TRAFFIC VIOLATIONS

Except when responding to an emergency or when urgent agency-related business requires otherwise, members driving agency vehicles should obey all parking and traffic regulations at all times. All traffic and parking violations and fines, including any late fees or penalties, are

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the responsibility of the driver involved. Failure to promptly pay a violation or fine may result in disciplinary action.

Refer to Policy 1041, Automated Traffic Violations Issued to NRP Vehicles, for more information.

#### **703.3.10 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Commander of the Supply and Maintenance Unit.

#### **703.3.11 CIVILIAN MEMBER USE**

Civilian employees/volunteers, excluding NRP cadets, are not permitted to operate marked agency vehicles.

### **703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Agency vehicles may be assigned to individual members at the discretion of the Superintendent. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle shall comply with the terms of the SLEOLA MOU.

A member's assigned vehicle will be stored at the local area office, and all personal items removed therefrom, when the member:

- (a) is unable to perform their regular assignment, unless approved for restricted duty, or
- (b) is on sick or discipline-related leave for more than two weeks.

#### **703.4.1 ON-DUTY USE**

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other agency members at the discretion of the Superintendent or the authorized designee.

#### **703.4.2 UNSCHEDULED TAKE-HOME USE BY CIVILIAN MEMBERS**

Circumstances may arise where agency vehicles must be used by civilian members to commute to and from a work assignment. Civilian members may take home unmarked agency vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned or were created by the short-term needs of the Agency.
- (b) Other reasonable transportation options are not available.
- (c) Vehicles will be locked when not attended.

#### **703.4.3 ASSIGNED VEHICLES**

Assignment of take-home vehicles to civilian personnel shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Members who reside outside the State of Maryland are required to secure the vehicle at a designated location within the State of Maryland.

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Non-sworn members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and tax implications.

Civilian members are cautioned that under federal and local tax rules, personal use of a State vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for civilian member use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes.
- (b) Vehicles may only be used to transport the member to and from the member's residence.
- (c) Unattended vehicles are to be locked and secured at all times.
- (d) Vehicles are to be secured at the member's residence or the appropriate agency facility, at the discretion of the Agency when a member will be away (e.g., on vacation) for periods exceeding one week.
  - 1. If the vehicle remains at the residence of the member, the Agency shall have access to the vehicle.
  - 2. If the member is unable to provide access to the vehicle, it shall be parked at a designated location.
- (e) The member is responsible for the care and maintenance of the vehicle.

#### 703.4.4 OFF-DUTY USE OF STATE VEHICLE

##### Eligibility

- Officers are eligible for off-duty use of their assigned patrol vehicle upon successful completion of the NRP Field Training requirements.
- Officers placed on Limited Duty Status may retain off-duty use of their NRP vehicle.
- In the event that an officer's assigned vehicle is unavailable (e.g., maintenance, repairs) the agency is under no obligation to provide a replacement vehicle for the purposes of off-duty use.
- An officer's off-duty use privilege is subject to suspension or revocation if the Superintendent deems it in the best interest of the NRP.

##### Use and limitations

- (a) Officers may not operate their vehicle outside of a 25 mile radius (within MD) from their home or assigned work location.
- (b) Officers will not operate an NRP vehicle while on sick leave except sick leave taken specifically for routine medical or dental appointments, or in conjunction with the death or illness of members of the employee's immediate family.
- (c) Members of the officer's immediate family, to include spouse, child, brother, sister, parents or parents-in-law, grandparents, or guardians of the officer, are permitted to

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accompany him/her when operating his/her assigned vehicle off-duty. Officers are responsible for the behavior and appearance of the passengers.

- (d) Officers are prohibited from using the vehicle while engaged in political activities such as setting up signs, and attending rallies, caucuses, promotional events, or fundraisers, etc.
- (e) Officers will not use NRP vehicles to carry loads that are excessive and protrude from the vehicle.
- (f) No towing personally owned trailers.
- (g) No alcoholic beverages will be carried in a patrol vehicle except when seized as evidence/contraband or for training purposes such as facilitating the SFST course.
- (h) Patrol vehicles will not be operated after consuming any amount of alcohol.
- (i) Patrol vehicles will not be operated after consuming any drug that may impair the officer's ability to operate the vehicle safely.
- (j) NRP vehicles may be used to commute to and from approved secondary employment locations that comply with all other portions of this section.
- (k) Vehicles may not be operated in conjunction with secondary employment.
- (l) With the exception of police canines, domestic animals are prohibited in state vehicles.

Vehicles must be parked in an unobtrusive or secure position.

All off-duty accidents will be reported in accordance with the Traffic Accident Policy.

#### Off-Duty Enforcement

- (a) Officers will be prepared to respond to any emergency requiring police assistance occurring in the vicinity of their route of travel.
- (b) Minor incidents, to include disabled vehicles, stranded motorists, and citizens in need of assistance encountered while operating a patrol vehicle off-duty may be handled and cleared by the off-duty officer.
- (c) Any incident that becomes involved or time consuming shall be turned over to an on-duty officer or allied agency when possible.
- (d) Off-duty officers while operating a patrol vehicle are required to respond to incidents or calls for service that require an officer's immediate response or are of a serious or life-threatening nature.
- (e) Officers operating patrol vehicles off-duty are not expected to strictly enforce motor vehicle laws.
- (f) In minor situations which require the writing of a report by the off-duty officer, the report will be completed as soon as possible upon return to duty. Officers must obtain prior supervisory approval before earning any overtime or compensatory time in accordance with Compensation Policy.
- (g) When taking police action or responding to a call for service, the officer is responsible for the safety of all passengers in the patrol vehicle. Whenever possible, passenger(s)



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should be dropped off at a safe location until the call is resolved or the officer is no longer needed for assistance. Officers will drop passengers off if a Priority 1 response is needed.

#### **703.4.5 MAINTENANCE**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Agency. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule (Vehicle Service Record form (NRP-417). A maximum of 1,000 miles over the scheduled maintenance intervals will be acceptable.
- (c) All scheduled vehicle maintenance shall be performed as necessary at a facility approved by the agency. The operator shall be responsible for being aware of and obtaining any required special maintenance schedules.
- (d) The Agency Fleet Coordinator shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) All weapons shall be removed from any vehicle left for maintenance.
- (f) Supervisors shall complete the RMS biannual inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

#### **703.5 DAMAGE, ABUSE AND MISUSE**

Damage to agency vehicles/vessels, including damage resulting from a collision, will be reported using the following written directives as applicable: Policy 700, Lost or Damaged NRP Equipment; Procedure 501, Traffic Accidents, or Procedure 1211, Departmental Vessel Accidents.

#### **703.6 ATTIRE AND APPEARANCE**

Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Agency and be in accordance with the Personal Appearance Standards Policy.

- (a) When operating a department vehicle off-duty, the officer must be armed with an agency-issued handgun or approved personally owned handgun in accordance with the Firearms Policy and will carry the badge, body armor, body worn camera (which will be immediately available and ready for use), and department identification card. Officers must have a set of handcuffs on their person or within the vehicle.
- (b) A portable radio will be kept in ready and usable condition inside the vehicle.
- (c) The vehicle must be equipped with all required equipment

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- (d) Officers will advise the dispatcher when going in or out of service while off-duty. Officers will monitor the police radio on the frequency for the area in which the vehicle is being operated.

#### **703.7 SPECIALTY VEHICLES**

For information related to personal watercraft (PWC) see the Vessel Use Policy

##### **703.7.1 ALL-TERRAIN VEHICLES (ATV), UTILITY TERRAIN VEHICLES (UTV), AND SNOWMOBILES**

###### **(a) Operation and Maintenance**

1. Officers who operate specialty vehicles shall be properly trained in the specialized operating characteristics of the equipment. This training shall be a MPCTC approved ATV safety course and a familiarization/orientation ride with an officer experienced with the specific specialty vehicle.
2. Officers with an assigned specialty vehicle are responsible for the proper storage, transport, and periodic and scheduled maintenance as outlined in the owner's manual
3. If the specialty vehicle is not equipped with a radio then the officer operating the equipment shall be in possession of, a functioning handheld radio or cellular telephone.
4. Any added accessories or equipment to specialty vehicles shall be approved by the Supply and Maintenance Unit and Area Commander.
5. A correctly fitted agency-issued helmet must be used when operating a specialized vehicle.
  - (a) The helmet wear requirement may be waived by a Commander for specific assignments and details if necessary to meet operational needs.
6. Helmets are not required on Agency-owned UTVs if the vehicle is equipped with a roll cage or similar rollover protection system and seat belts.
7. In addition to a helmet, officers operating snowmobiles shall wear gloves, boots, and other outerwear appropriate for cold weather.
8. In addition to the equipment listed above, officers operating specialty vehicles on the frozen surface of water bodies shall wear an approved life-jacket. Operation is prohibited on ice less than six inches thick.
9. Officers shall not engage in extended high-speed pursuits of suspects while operating specialty vehicles or when attempting to stop offenders on specialty vehicles.
10. Passengers will not be carried on specialty vehicles unless the vehicle is specifically designed to accommodate them.
11. Specialty vehicles shall not be operated on paved surfaces above 25 mph.

## Cash Handling, Security and Management

### 704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure agency members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Informants policies.

### 704.2 POLICY

It is the policy of the Maryland Natural Resources Police to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of agency operations and ensure the public trust.

### 704.3 COVERT INVESTIGATIONS - ADMINISTRATIVE RESPONSIBILITIES

- (a) Handling monies used for the payment of informants upon approval of the Task Force Section Supervisor and the Bureau Commander; the purchasing of evidence and other related investigative expenses from the Special Operations Revolving Fund.
  - 1. Investigators shall maintain accurate and documented reports of all expenditures.
  - 2. Expenditures made from the Special Operations Revolving Fund shall be listed in detail by the investigator on the Special Operations Expense Voucher. The expense voucher will be submitted to the Task Force Section Supervisor as replacement funds are needed by the investigator. The expense voucher shall include a brief description of the expenditure, including the investigation case number when applicable.
  - 3. Receipts shall be obtained when the acquisition of the same by the investigator would not threaten the covert integrity of the investigation; and attached to the expense voucher.

### 704.4 COVERT INVESTIGATIONS FUNDS

The Special Services Bureau (SSB) Commander is responsible for maintaining and managing covert investigations funds.

The fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the SSB Commander.

### 704.5 PROCESSING PARK CITATION AND REPORT REQUEST CHECKS

Parking citation payments are mailed to a PO box and picked up weekly by a Records supervisor. Records staff then reconcile the payments with the parking citations received from the field. The below procedure is then completed. Parking citation payments can also be made through DNR Compass system.

Report request checks are mailed directly to Records by the requestor.

- (a) Stamp checks.

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### *Cash Handling, Security and Management*

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- (b) Copy checks – can have more than one check per page (please try to keep in order of original checks).
- (c) Include memo with PCA, Source Code, TC Code, total amount of checks, and a brief description of check purpose.
- (d) Include calculator tape that matches total checks on the memo.
- (e) Hand deliver to Finance and Administrative Services (FAS) at HQ.
- (f) FAS will verify the amount on the memo matches the total of checks.
- (g) FAS will make a copy of the stamped, received memo for NRP files that verify checks received by FAS, and will return a copy to Records.
- (h) Records retain copies of the verification memos in the designated file.

#### **704.6 OTHER CASH HANDLING**

Members who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property Storage Area Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

# Personal Protective Equipment

## 705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Agency as well as the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

### 705.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

## 705.2 POLICY

The Maryland Natural Resources Police endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Workplace Safety and Health Policy to recommend new or improved PPE or additional needs for PPE.

## 705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training. Members may wear hearing protection any time they would be subjected to loud, persistent noises. Hearing protection worn while on patrol may not preclude officers from hearing their police radio.

Hearing protection shall meet or exceed the requirements provided in COMAR 09.12.31.9999 and 29 CFR 1910.95.

## 705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the

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prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Lead Firearms Instructor shall ensure eye protection meets or exceeds the requirements provided in COMAR 09.12.31.9999 and 29 CFR 1910.133.

Eye protection may be worn by members as appropriate to their assigned duties.

#### **705.6 RESPIRATORY PROTECTION**

The Support Services Bureau Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; COMAR 09.12.31.9999):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

##### **705.6.1 RESPIRATORY PROTECTION USE**

Respiratory PPE shall be worn when directed by an on-scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

On-scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the on-scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the on-scene commander reasonably believes (29 CFR 1910.134; COMAR 09.12.31.9999):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

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- (c) The member needs to replace the respirator, filter, cartridge or canister.

#### 705.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; COMAR 09.12.31.9999):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per agency-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 705.6.3 FULL-FACE IAR-PURIFYING RESPIRATORS

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; COMAR 09.12.31.9999).

An on-scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

#### 705.6.4 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; COMAR 09.12.31.9999).

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After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; COMAR 09.12.31.9999):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

#### **705.6.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE**

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; COMAR 09.12.31.9999):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

#### **705.7 POTASSIUM IODIDE (KI)**

The Agency must take steps to protect its personnel from the harmful effects of radiological exposure. Therefore, the Agency shall make available to all NRP personnel two 130-mg tablets, a two-day dose, of potassium iodide (KI).

The Health Safety Officer will ensure that the Agency maintains a current, un-expired, supply of KI and annually reminds agency personnel of the process to request this protective measure.

Before being issued the potassium iodide, all Agency personnel must complete the (NRP-481) which will be kept on file at the local Area Office by the Commander. The original form will be forwarded to the NRP Health and Safety Officer.

- (a) Area / Unit Commanders shall issue the KI pills.
- (b) Personnel shall keep their packaged pills with them at all times.

The two 130-mg tablets of KI are only to be taken during a radiological emergency and shall only be administered upon the authority of a State of Maryland's health officer (e.g., State of Maryland Medical Director or State of Maryland Department of Health & Mental Hygiene health officer) or a local county health officer. If so directed, personnel shall take one KI pill each day for two days, or until told to stop.

Personnel who have experienced an allergic reaction to iodine or to shellfish, should not take the pills.



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Any personnel experiencing any side effects such as a metallic taste in their mouth, shortness of breath or swelling of the salivary glands, should stop taking the KI immediately and contact the designated health official.

For more information about KI see the links below.

<http://www.nrc.gov/about-nrc/emerg-preparedness/about-emerg-preparedness/potassium-iodide/ki-faq.html>

<http://www.fda.gov/Drugs/EmergencyPreparedness/BioterrorismDrugPreparedness/ucm319791.htm>

#### **705.8 RECORDS**

The Training Unit Commander is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

- 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the established records retention schedule (29 CFR 1910.1020; COMAR 09.12.31.9999).

#### **705.9 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; COMAR 09.12.31.9999).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; COMAR 09.12.31.9999).

## Procurement

### 706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on the use and reporting of purchasing cards.

### 706.2 POLICY

It is the policy of the Agency to appropriately utilize issued corporate purchasing cards.

### 706.3 CORPORATE PURCHASING CARDS

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

Corporate Purchasing Cards shall be used for authorized purposes. Purchases must be in compliance with State of Maryland COMAR requirements.

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

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

#### 706.3.1 CORPORATE CARD APPROVED USES

The Corporate Card may be used for the following purchases:

- (a) Fuel for state vehicles while traveling out of state on state business.
- (b) Fueling of state vessels at marinas.
- (c) In an extreme emergency, the card may be used to purchase fuel for a state vehicle. A written explanation must be submitted.
- (d) The Corporate Card may be used to purchase tires. Purchaser must ensure that the State contract price is used. Additionally, mounting and balancing of the tires must be charged to the Fleet Card.
- (e) Out-of-State Travel - Training - a copy of the approved application for out-service training authorization and the request for out-of-State travel (form X-3a) must be included with invoices and submitted with the Corporate Purchasing Card Activity Log.
- (f) Food - For meetings and events a list of attendees and agenda must be included with invoices, and submitted with the Corporate Purchasing Card Activity Log.
- (g) Expendable data processing supplies such as SD cards, flash drives, ink or toner cartridges etc. may be purchased on individual corporate purchasing cards with supervisory approval.

#### 706.3.2 CORPORATE CARD USE RESTRICTIONS

The Corporate Cards shall not be used for:

- Cash advances.
- In place of the Fleet Card or facilities.

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- For personal use.
- Fuel purchases in place of the state fuel net facilities.
- Data Processing Services, hardware, or software. Only Data Processing Contacts may purchase these items.

#### 706.3.3 REPORTING

All purchases and credits must be reported on the Corporate Purchasing Card Activity Log (NRP-442) (8-½" x 14" legal size).

Use a black China Marker to cross out all credit card numbers on receipts and statements.

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

The original Corporate Card statement and all receipts in date order are to be paper clipped to the Corporate Purchasing Card Activity Log.

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

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

If an employee does not receive a Corporate Card statement for the period when charges have been incurred, the fiscal officer should be contacted for assistance.

- Not receiving a statement for the period when charges have been incurred on the Corporate Purchasing Card does not preclude an employee from completing a Corporate Purchasing Card Activity Log.
- Under certain circumstances, a copy of the page from the Department's Corporate Purchasing Card Database (INFOSPAN), outlining the list of charges may be used in place of the missing statement.

#### 706.3.4 LOST/STOLEN CARDS AND FRAUDULENT CHARGES

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

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

## VEHICLE, VESSEL & TRAILER INSPECTIONS

<b>Effective Date:</b>	01/11/22
<b>Revised Date:</b>	REVIEWED--07/27/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--08/01/24

### 707.1 FORMS & INSPECTION REQUIREMENTS

Members assigned to a vehicle, vessel and/or trailer are responsible for that equipment, including ensuring that required maintenance is conducted, and the serviceability of that equipment.

Twice a year, no later than May 1 and November 1, a supervisor will inspect every vehicle, vessel and trailer under their supervision, and document the inspection by completing an RMS inspection form.

Random inspections may still be conducted at any time during the year by a supervisor.

If a vessel or trailer is placed out of service for any reason, the member placing the same out of service will ensure the "NRP Vessel and Trailer" spreadsheet is updated, to reflect that the vessel or trailer has been placed out of service. The member will ensure the required notifications are made immediately so that the vessel or trailer can be repaired without unnecessary delay.

## **SPEED DETECTION DEVICES**

### **708.1 APPROVED DEVICES**

Natural Resources Police personnel shall only utilize those speed detection devices obtained by the Agency that have been tested and certified by the International Association of Chiefs of Police (IACP) as meeting the minimum performance specifications published by the National Highway Traffic Safety Administration of the US Department of Transportation.

### **708.2 CALIBRATION**

Following the IACP's recommendations, area commanders shall insure that all RADAR and LIDAR units assigned to their area are calibrated every two years, or whenever the unit has been "opened up" for or during repair.

### **708.3 TRAINING**

Speed Detection Device Training - Before conducting speed enforcement with an Agency issued speed detection device, the speed detection device operator shall have successfully completed a training program for the type of device to be utilized (RADAR or LIDAR).

Upon successful completion of a speed detection device training program, the operator shall be issued a certification card by the NRP Training Academy.

All speed detection device training, whether conducted by NRP or an outside law enforcement agency must be authorized by the NRP Training Academy and approved by the MPCTC.

### **708.4 APPROVED LOCATIONS FOR USE**

NRP personnel may only utilize Agency issued speed detection devices for speed enforcement on:

- Other enforcement locations as approved by a supervisor.
- roadways that adjoin DNR owned or controlled lands, and that provide immediate and direct access to the DNR property.
- lands owned or controlled by DNR; or,
- Maryland's waterways.

### **708.5 COURT**

The RADAR/LIDAR operator shall take to court their certification card, the calibration certificate, and Log of the specific gun utilized to issue the charge, and any other enforcement forms.

# NALOXONE (NARCAN) PROGRAM

## 709.1 PROGRAM CONTROL

No officer will administer Naloxone until they have completed the training required by State law. This prohibition does not apply to officers who are certified as emergency medical services (EMS) providers who are permitted to administer Naloxone.

This program is being conducted under the supervision of the Maryland State Police Medical Director through a memorandum of understanding.

## 709.2 DEFINITIONS

**CERTIFICATE** – A document issued to administer Naloxone in accordance with the Annotated Code of Maryland, Health – General Article, §13-3106.

**NALOXONE** – A medication that blocks the effects of an opioid overdose; may be sold under the brand name Narcan®.

**OPIOID** – Any compound derived from or of similar structure to opium, with morphine-like effects; codeine, heroin, methadone are common examples.

### 709.2.1 REFERENCES

Annotated Code of Maryland, Health – General Article, §13-3101-3109.

## 709.3 RESPONSIBILITIES

The Maryland State Police Medical Director:

- Provides medical oversight for officers who are trained and certified to administer Naloxone;
- Conducts all initial "train the trainer" training for certification of officers in the administration of Naloxone. These trained officers will administer all further training in the administration of Naloxone to NRP personnel.

The NRP Occupational Safety and Health Officer (Training, Recruitment, and Safety Education Division Commander) will:

- order Naloxone based on the need as determined by the number of officers certified to administer Naloxone and the level of replacement stock.
- be responsible for the compliance oversight and ensuring all completed RMS reports are forwarded to the MSP Medical Director when Naloxone is deployed by an officer.

The Training Unit Commander:

- Will ensure all officers will be trained in the pre-hospital administration of Naloxone.
- is responsible for maintaining records for trained and certified officers.

Area/Unit Commanders will:

- Obtain replacement Naloxone through the Supply and Maintenance Unit Commander and will maintain adequate replacement doses at the Area/Unit Offices;

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### *NALAXONE (NARCAN) PROGRAM*

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- Develop local operating procedures addressing the distribution and replacement of Naloxone to their personnel.

#### **709.4 TRAINING**

Orientation training will be completed in the form of an online training program provided by the MSP Medical Director.

Yearly refresher training will be incorporated into the Law Enforcement Emergency Medical Care Course (LEEMCC).

#### **709.5 EQUIPMENT**

Upon successful completion of the required training, Sergeants and below will be issued a Naloxone Kit which consists of a belt pouch containing two doses of Naloxone, and an N100 face shield. Nitrile gloves will be carried in the kit and will be acquired from a supply maintained at the Area/Unit level by the Area/Unit Commander. Upon request, commanders will be issued one dose with their belt pouch.

In accordance with manufacturer's instruction, Naloxone must be kept out of direct sunlight and should be stored at room temperature (between 59 and 86 degrees Fahrenheit). According to the manufacturer, the product will maintain its effectiveness as long as not exposed to extreme heat (over 120 degrees Fahrenheit) for more than twenty-four consecutive hours or allowed to freeze. With that in mind, under no circumstances should the Naloxone be left in a vehicle or vessel. The Naloxone kit will be stored in a manner to ensure non-authorized personnel cannot gain access both on and off-duty.

The Naloxone must be carried in a manner that will allow it to be immediately accessible to an officer in the event it needs to be administered, (pocket, belt, backpack, bag, etc.). If the outside temperatures are expected to be 32 degrees Fahrenheit or below and officers are outside of a heat-controlled environment the pouch should be carried in a manner to protect the contents from the cold environment.

Inspections of the Naloxone kit will be conducted daily by the officer and whenever necessary (e.g. weather conditions, after an altercation).

Supervisors will inspect Naloxone kits during bi-annual inspections.

#### **709.6 ACCOUNTABILITY & DISPOSAL**

Naloxone is not a controlled dangerous substance as defined by federal law but is a prescription medication with exceptions to the laws and regulations governing prescriptions in medical practice.

Damaged, lost, or expired Naloxone will be documented in the RMS. A copy of the report will be automatically forwarded to the Supply and Maintenance Unit Commander to ensure adequate supplies are maintained.

Naloxone needing replacement, as a result of use or damage will be documented using the procedures outlined in paragraph 8 (Reporting).

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Damaged Naloxone will be turned over to the evidence custodian within 5 days of the date it was damaged. Damaged Naloxone will be reported per Agency policy for damage to agency equipment and replaced.

Expired Naloxone will be destroyed within 30 days of the date of expiration in a manner in accordance with training received. Area/Unit Commanders will be responsible for documenting Naloxone turned in for destruction and replacement. Within 30 days of expiration the evidence custodian shall obtain an incident report number to document the quantity of expired Naloxone destroyed. A copy of the RMS report will be automatically forwarded to the Supply and Maintenance Unit Commander.

#### **709.7 ADMINISTRATION**

When an officer encounters or is dispatched to the scene of a suspected overdose, the officer will ensure EMS has been notified.

Officers will conduct an assessment of the patient, to include gathering statements obtained from witnesses regarding drug use.

If the officer makes the determination there may be an opioid overdose, Naloxone should be administered.

An officer administering Naloxone will use appropriate personal protective equipment (e.g. gloves, mask).

The officer should consider the need for an additional dose if the Naloxone recipient does not adequately respond to the Naloxone, or if the Naloxone recipient responds, but symptoms reappear.

If additional doses are required beyond what the officer has administered, the officer will notify EMS providers when they arrive or request an additional officer who has a Naloxone kit.

If the Naloxone recipient responds to the Naloxone and there is no suspicion of a spine injury, the officer should place the patient on his/her left side in the recovery position.

Handcuffs or other restraints may be used if necessary. Caution should be used when administering Naloxone due to the unpredictable response of a Naloxone recipient being revived. If evidence suggests an arrest should be made, care should be given to ensure that the Naloxone recipient's safety is paramount. Evidence should be gathered and charging documents completed at a later date. Officers should practice safe evidence handling techniques when handling potentially dangerous evidence.

After administering the Naloxone, the officer should observe the Naloxone recipient closely until EMS arrives, transfer care to EMS and ensure that the EMS provider is notified of the Naloxone administration.

While overdose Naloxone recipients cannot be compelled to go to a hospital, officers should encourage them to be transported by EMS voluntarily.



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If a Naloxone recipient refuses to go to the hospital, an emergency petition can be considered, but only if the patient's behavior meets the criteria for an Emergency Petition as defined in the Annotated Code of Maryland, Health Article, Sections 10-620 thru 629.

#### **709.8 OFFICER EXPOSURE/CONTAMINATION**

Officers should take precautions to limit possible exposure to dangerous opioids including, but not limited to: Fentanyl, Carfentanil, Heroin, and other similar drugs.

Precautions should be taken when handling evidence, serving warrants, and searching individuals, vehicles, vessels, and/or homes. Nitrile gloves will be worn at all times when handling suspected opioids. Protective N100 masks are also recommended.

Officers who believe they may have been exposed should follow established policies for reporting and documenting a First Report of Injury through RMS and complete all required documents. If the exposure causes overdose type symptoms, the officer should call for medical attention immediately. If other trained officers are on the scene of the exposure, they may deploy their issued Naloxone as needed. Officers deploying Naloxone will follow reporting procedures found in this policy.

#### **709.9 REPORTING**

Anytime Naloxone is administered to a naloxone recipient, the officer administering the Naloxone will complete an Incident Report in the RMS.

The first report type selected will be "Overdose" and the second report type selected will be "Naloxone."

In addition to providing a summary of the incident, whenever Naloxone is administered, officers will include the Naloxone recipient's outcome in the narrative of the Incident Report.

The incident report will be submitted in the RMS by the completion of the officer's shift, unless an exception is granted by a supervisor.

A copy of the approved report will follow RMS submission guidelines. The NRP Occupational Safety and Health Officer will automatically be notified when a report for Naloxone administration is generated. The Occupational Safety and Health Officer is responsible for forwarding a copy of the completed RMS report to the MSP Medical Director.

The officer administering the Naloxone shall contact the Maryland Poison Control Center at 1-800-222-1222 to report the use of Naloxone.

Damaged Naloxone will be reported per policy for damage to agency equipment. Once reviewed, the review board will send a copy of the report to the Supply and Maintenance Unit Commander for record keeping purposes.

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<b>Effective Date:</b>	06/23/23
<b>Revised Date:</b>	REVIEWED--06/23/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--09/01/24

### 710.1 PURPOSE AND SCOPE

- A. The purpose of this policy is to provide guidelines on the safe, efficient, and lawful operation of the Maryland Natural Resources Police (NRP) UAS while continuing to safeguard the right to privacy of all. Safety, above all else, is the primary concern in each and every operation, regardless of the nature of the mission.
- B. Primary use of the UAS will be for an aerial observation platform. NRP shall only collect information using UAS, or use UAS-collected information, to the extent that such collection or use is consistent with and relevant to the following authorized purposes/mission types, which include:
  - 1. Conservation law enforcement (shellfish and fisheries enforcement, baiting, jacklighting, closed season/shooting hours, etc)
  - 2. Search and rescue
  - 3. Missing or lost person searches (including body recoveries)
  - 4. Accident and crime scene documentation or evidence gathering
  - 5. Criminal law enforcement
  - 6. Special events (public relations, recruitment, etc)
  - 7. Tactical mission planning and overwatch
  - 8. Disaster Response
  - 9. Authorized training missions

### 710.2 DEFINITIONS

Digital Media Evidence (DME) - consists of all digital recordings captured during the operation of a UAS, to include but not limited to: audio, video, photographs and the associated metadata.

Federal Aviation Administration (FAA) - Federal agency that governs UAS equipment, operations, and pilot training. They also are in charge of how UAS operate within the National Airspace System.

Remote Pilot in Command (RPIC) - A person who holds an FAA remote pilot certificate with a sUAS rating and has the final authority and responsibility for the operation and safety of a UAS operation.

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### *Unmanned Aircraft Systems*

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Unmanned Aircraft System (UAS) - An unmanned aircraft system is an unmanned aircraft and the equipment necessary for the safe and efficient operation of that aircraft. An unmanned aircraft is a component of a UAS. It is defined by statute as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft

Visual Observer (VO) - A member of the flight crew who assists the Remote Pilot in Command (RPIC) in safe operation of the UAS by identifying other air traffic and hazards aloft or on the ground. The VO may also assist the RPIC in the operation of the UAS camera or watch the viewing screen for potential targets of interest.

#### **710.3 REFERENCES**

- Small Unmanned Aircraft Systems, International Chiefs of Police Model Policy
- Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights and Civil Liberties, in Domestic Use of Unmanned Aircraft Systems, Presidential Memorandum, February 2016
- U.S. Department of Homeland Security Best Practices for Protecting Privacy, Civil Rights & Civil Liberties In Unmanned Aircraft Systems Programs
- UAS Mission Log
- 14 CFR Part 107

#### **710.4 POLICY**

It is the policy of this agency that sUAS shall be deployed only for specific missions, in compliance with all applicable laws, and only by trained and authorized personnel. This policy is not intended to be all-inclusive, but instead shall serve as a supplement to other agency policies and procedures, applicable national aviation authority regulations, and sUAS manufacturers' approved flight manuals.

#### **710.5 PROGRAM GENERALLY**

- A. To enhance the level of safety and promote appropriate use of sUAS, all procedures contained herein shall be followed without deviation, unless necessary during an emergency, or with appropriate supervisory approval.
- B. This policy is not intended to be all-inclusive, but instead shall serve as a supplement to other agency policies and procedures, applicable national aviation authority regulations, and sUAS manufacturers' approved flight manuals.
- C. This policy, and associated procedure (Procedure 700, Unmanned Aircraft Systems), are reviewed and updated (as applicable), at least annually in compliance with Procedure 100, Written Directives.

#### **710.6 COMPLAINT INVESTIGATIONS**

- A. All complaints regarding the use of UAS shall be handled in accordance with Policy 1010, Personnel Complaints.

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#### **710.7 AUDITING AND ANNUAL REPORTING**

- A. Flight Documentation
  - 1. A supervisor shall audit flight documentation monthly. This audit shall include, at minimum, a summary of the following:
    - (a) number of missions/uses;
    - (b) appropriateness of uses;
    - (c) evaluation of the effectiveness of the sUAS;
    - (d) safety concerns;
    - (e) equipment concerns; and
    - (f) flight time, to include a review of flight logs or data from flight time counters.
- B. Adherence to UAS Policy and Procedure
  - 1. A supervisor shall audit the adherence to UAS policy and procedure monthly. This audit shall include, at a minimum, a summary of the following:
    - (a) The agency's adherence to this policy and associated procedures, directives and memorandums; and
    - (b) ensure that any member involved in the UAS program complies with any policy, procedure, directive or memorandum that protects PII collected from the use of a UAS.
- C. The results of these audits shall be documented in the UAS Annual Report, outlined in Policy 710.8(c).

#### **710.8 TRANSPARENCY**

- A. Policies Related to Agency UAS Use
  - 1. Agency policies, including policies related to the use of Agency UAS and the procedure by which a person can file a complaint against an agency member, shall be posted and subsequently updated following changes that affect privacy, civil rights or civil liberties, on the agency's website (PS 3-515a).
- B. Public Notification of UAS Missions
  - 1. When UAS is used by the NRP in a non-sensitive mission, and notification to the public of such a mission would be appropriate, the pilot shall ensure public notice regarding where and how UAS will be used, is given:
    - (a) preferably prior to the mission, if at all possible; or if not possible,
    - (b) as soon as reasonably practical.
  - 2. If deemed appropriate, public notice will be given via:
    - (a) The agency's website,
    - (b) Media release; or

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- (c) Social media post.

#### C. UAS Annual Report

1. The agency will publish a UAS Annual Report, due to the Superintendent by February 1 each year for the previous calendar year, documenting:
  - (a) the agency's use of sUAS, including a brief description of the types or categories of missions flown;
  - (b) The number of times the agency provided assistance to other allied agencies,
  - (c) A summary of the flight documentation audits outlined in Policy 710.7,
  - (d) A summary of the audits related to adherence to UAS policy and procedure outlined in Policy 710.7,
2. This report is a public document and will be posted on the agency's website.

### **710.9 PERSONNEL**

- A. Program Coordinator- The Superintendent will designate a Program Coordinator who will be responsible for the management of the UAS program. The Program Coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:
  1. Ensure the overall program, all flight operations, and personnel comply with the law, FAA regulations, and Agency policy & procedure.
  2. Act as the Agency UAS liaison with the FAA.
  3. Update, renew, and maintain any applicable waivers with the FAA or responsible parties, as needed.
  4. Ensure all UAS training, equipment, and pilot certifications are compliant with FAA requirements.
  5. Assist in aircraft and pilot coordination for mission requests.
  6. Maintain all pilot records and ensure pilot training and currency.
  7. Manage and review the UAS Mission Log to document all UAS missions and training.
  8. Coordinate aircraft maintenance and associated record keeping. Ensure incidents and accidents are reported per FAA regulations and agency policy and procedure.
  9. Ensure pilot performance is in compliance with organizational goals, regulatory requirements, and agency policy and procedures.
  10. Review and coordinate updates to agency policy and procedure to ensure industry best practices and improve flight safety.
- B. Instructor Pilot
  1. Meets all the requirements of a Pilot as described in this policy.

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2. Selected by the UAS Program Coordinator and Response Team Supervisor based on UAS safety record, flight skill and experience, technical knowledge, and ability to work with others.
3. Has completed additional UAS instructor-level training.
4. Assists the Program Coordinator in developing agency UAS training program, updating policies and procedures, maintenance/inspection program, and equipment selection.
5. Responsible for initial training of personnel assigned to the UAS Team and assists in development/execution of monthly training program.
6. Measures pilot performance and compliance with team standards and FAA regulations. Instructor pilots can make recommendations to the Program Coordinator and SOD chain of command if pilot performance does not meet minimum standards.

#### C. Pilot

1. The following are minimum requirements to be considered an operational pilot:
  - (a) Possesses a current 14 CFR 107 Pilot Certificate with Remote Pilot Rating issued by the FAA;
  - (b) Successfully completes initial agency approved Remote Pilot training course;
  - (c) Maintains training and flight currency as established in agency UAS Procedure Manual.
2. Primary duty is the safe and effective operation of the agency UAS following manufacturers' approved flight manual, FAA regulations, and agency procedures.
3. Maintain all agency owned UAS equipment per team standards.
4. Submits all mission data and DME in a timely manner.
5. Only flies authorized missions while maintaining the privacy of the public and security of sensitive sites around the state.

#### D. Visual Observer

1. Assists the Remote Pilot in Command (RPIC) in safe operation of the UAS by identifying other air traffic and hazards aloft or on the ground.
2. May assist the Pilot in Command in the operation of the UAS camera or watch the viewing screen for potential targets of interest during the flight.
3. The visual observer is not required to possess a current 14 CFR 107 Pilot Certificate.

### **710.10 PRIVACY AND PROHIBITED USES**

- A. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA regulations

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and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g. residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

- B. UAS operations in areas deemed sensitive to our Homeland Security (military bases, secure government buildings, critical infrastructure, etc) shall be limited to active investigations or approved training. Extra care shall be taken to make sure the airspace in these areas are approved by the FAA and authority having jurisdiction. Recording of photographs or video shall only be for court purposes and may require pre-approval by the governing entity.
- C. Recording of photographs or video will only be permitted in the case of:
  - 1. Documenting evidence of a violation or crime,
  - 2. Accident or crime scene investigation,
  - 3. Search and rescue missions, and
  - 4. Authorized training.
- D. UAS equipment shall not be used:
  - 1. To conduct random surveillance activities not consistent with the mission of the Maryland Natural Resources Police.
  - 2. To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
  - 3. To harass, intimidate, or discriminate against any individual or group.
  - 4. To conduct personal business of any type.
- E. The UAS shall not be weaponized.
- F. UAS-recorded data will not be collected, disseminated or retained solely for the purpose of monitoring activities protected by the U.S. Constitution, such as the First Amendment's protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations).
- G. Collection, use, dissemination or retention of UAS-recorded data will not be based solely on an individual's characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age or gender).

#### **710.11 DATA RETENTION AND SECURITY**

- A. All retained data and digital media evidence (DME) will be maintained or destroyed pursuant to the Maryland Natural Resources Police records retention and evidence policies and in compliance with applicable State and Federal laws and regulations, EXCEPT:

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1. any information collected using UAS that may or could contain personally identifiable information (PII) shall not be retained for more than 180 days, unless retention of the information is determined to be necessary to an authorized NRP mission as outlined above, and is maintained in an authorized agency records system, OR
  2. any information required to be retained for a longer period as specified or required by any other applicable law or regulation.
- B. All flight telemetry data shall only be stored on Agency approved fleet management systems. Flight telemetry data will not be shared with the manufacturer.
  - C. All digital media will be stored on removable media and not on internal aircraft or controller memory. If the option exists within the UAS equipment, the media will be encrypted and/or password protected.
  - D. No digital media will be uploaded or shared with the UAS manufacturer for storage or analysis. All data transmissions between the aircraft and controller will be encrypted for security purposes.
  - E. UAS-collected information that is not maintained in an authorized agency records system shall not be disseminated outside the agency unless dissemination is required by law, or fulfills an authorized purpose and complies with agency requirements.

#### **710.12 INFORMATION REQUESTS**

- A. NRP will fulfill public information requests related to the UAS program pursuant to applicable policies, procedures, and applicable state and federal law.



## Capital Asset Inventory Program

### 711.1 PURPOSE AND SCOPE

The purpose of this policy is to establish efficient and uniform procedures for maintaining, controlling, and reporting fixed asset inventory under the jurisdiction of the Natural Resources Police.

### 711.2 POLICY

The Maryland Natural Resources Police shall follow the guidance in DNR's Inventory Control Procedures Manual for maintaining its inventory of sensitive equipment. This manual shall be available to all Agency personnel at the rank of Sergeant and above. The DNR Capital Inventory is maintained in the E-Quip system.

### 711.3 DEFINITIONS

**AGENCY PROPERTY OFFICER:** The commander of Supply and Maintenance Unit will be designated as the Agency Property Officer. They will be the direct liaison with DNR Capital Inventory Program.

**CAPITAL EQUIPMENT:** (Non-expendable Item) means any equipment item or furnishing having a probable useful life in excess of one year and a procurement cost of \$500 or more per unit. This includes sensitive items having a procurement cost of \$250 or more and a useful life of one year or more. Firearms and other weapons are considered capital equipment regardless of cost. See **SENSITIVE EQUIPMENT** for examples.

**EXCESS PROPERTY:** means State property that is no longer required. This includes usable and unusable items that have been replaced or that have become obsolete.

**INVENTORY CONTROL OFFICER:** Captains shall be responsible for the capital inventory for their respective Region/Division. Their title for this purpose will be inventory control officer. The professional staff member assigned to Fiscal Support (Fields Operations) shall serve as the Inventory Control Officer for Headquarters.

**JUNK:** means property that has no economic, scrap or functional value.

**MISSING PROPERTY:** means property that has been reported missing as the result of a physical inventory, audit, or inventory reconciliation.

**MOTOR VEHICLE:** includes all automobiles, light and heavy-duty trucks, trailers, motorcycles, ATVs, and other such equipment contrived for conveying passengers or objects. \* This also includes marine vessels and aircraft.

**NON-CAPITAL EQUIPMENT:** (Expendable Item) means miscellaneous equipment, furniture, desk top articles, and similar items having an acquisition cost less than \$500 and sensitive items with an acquisition cost less than \$250, or items with a useful life of less than one year.

**SENSITIVE EQUIPMENT:** is capital or non-capital equipment as defined by ISSSD. All computer equipment, recording devices, portable tools, handheld radios, cell phones, and cameras, etc. are

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### *Capital Asset Inventory Program*

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considered sensitive. Also included would be items prone to theft and concealable in a handbag or briefcase. Equipment items too large for concealment, such as a chain saw or ladder, and the like, shall be considered sensitive if there is a history of loss or theft within DNR. Firearms and other law enforcement type weapons are always considered sensitive regardless of acquisition cost.

#### **711.4 AGENCY PROPERTY OFFICER DUTIES**

The Agency Property Officer shall be responsible for working with Inventory Control officers to reconcile the inventory records to the control accounts.

#### **711.5 INVENTORY CONTROL OFFICER DUTIES**

- (a) Captains shall be responsible for the capital inventory for their respective Region/Division. Their title for this purpose will be inventory control officer.
- (b) Captains may designate one alternate to assist with the capital inventory process. The administrative position assigned to the Region/Division shall be the alternate unless no administrative position exists. In the absence of an administrative position, the captain is free to choose their alternate.

#### **711.6 LIEUTENANTS DUTIES**

- (a) Area/Unit Lieutenants will be trained in the Equip system. They will act as the inventory control officer only in the extended absence of the captain.
- (b) Unless extenuating circumstances exist, the Area/Unit Lieutenants will not be designated as permanent alternates to the Inventory Control Officer.

#### **711.7 SUPERVISORS DUTIES**

- (a) Sergeants will have "view only" access to Equip. Any discrepancies they find while conducting inventories or spot checks shall be brought to the attention of their respective captain through the chain of command.

#### **711.8 PROCEDURE**

- (a) Capital Asset Inventory shall be updated on a rolling basis. As new items come into the Region/Division that need to be added to or transferred within Equip, this shall be completed as soon as possible.
- (b) All property will be photographed, and that photograph will be uploaded to the corresponding property entry in Equip. If it is unfeasible to photograph an item, a note shall be entered into Equip documenting that.
- (c) Firearms will be entered in the location where the respective officer is assigned, not Matapeake.
- (d) An audit of a reasonable number of capital asset inventory items shall be conducted twice a year by the Inventory Control Officers. It will be done in conjunction with the biannual inventories completed for Officers, vessels, and vehicles.
- (e) Training in Capital Inventory system and the Equip system shall be provided by the Supply and Maintenance Unit on an as-needed basis.

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### *Capital Asset Inventory Program*

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- (f) At least once a year, the Internal Affairs Unit will ensure the accuracy of the physical inventories by selecting a reasonable number of items from inventory.

## Agency Firearm Inventory

<b>Effective Date:</b>	06/30/2022
<b>Revised Date:</b>	REVIEWED--10/26/23
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--11/01/24	

### 712.1 PURPOSE AND SCOPE

To ensure that every firearm owned by the Maryland Natural Resources Police is accurately accounted for at all times.

Firearms are a tool carried daily by employees who work remotely throughout the state. The employees of the NRP are mobile, with most working out of vehicles and vessels rather than in an office. The NRP Firearms Inventory reflects locations where the employee is assigned to work; however, they may not work in an office, meaning that their assigned firearms cannot be located in a vault or other storage area.

### 712.2 POLICY

The Agency shall maintain an accurate database of firearms and visually verify the presence of each firearm annually.

### 712.3 DEFINITIONS

**Functionality** - whether or not the firearm is rendered inoperable and incapable of firing a projectile. This status is based on the current firearm configuration. A non-functioning firearm also includes firearms designed solely for training purposes (e.g., guns without firing pins) and cannot shoot a live round of ammunition.

**Firearms Inventory Control Database Sheet** - For the daily tracking and movement of firearms. This database timestamps all entries and changes while recording who made the entry/change. There is no method to eliminate data history, so the sheet is highly secure. There shall be one Firearms Inventory Control Database Sheet for NRP LEO Firearms and one for NRP Hunter Education Firearms.

**Firearms Transfer Form** - This is an internet-based form within the state's Google Workspace System that requires the entry of specific information in order to record the transfer/reassignment of firearms between members of the agency/between facilities/to outside entities such as repair shops. Entries to this form automatically populate data into the Firearms Transfer Record. There shall be one transfer form for NRP LEO Firearms and one for NRP Hunter Education Firearms.

**Firearms Transfer Record** - This spreadsheet is automatically populated when a member completes and submits the Firearms Transfer Form. It provides email notifications to the Commander of the Supply & Maintenance Unit and Commander of the Outreach Unit, respectively. This form timestamps all entries and changes while recording who made the entry/change. There

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### *Agency Firearm Inventory*

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is no method to eliminate data history, so the form and accompanying sheet are highly secure. There shall be one transfer record for NRP LEO Firearms and one for NRP Hunter Education Firearms.

#### **712.4 UPDATES & REVISIONS TO THE FIREARMS INVENTORY CONTROL DATABASE**

- A. For transfers of firearms from one member to another or to fix minor typographical errors within the database, the Area/Unit Commander responsible for the firearm shall notify the Commander of the Supply and Maintenance Unit in the manner they require, without delay, and request the change be made. Changes required for the NRP Hunter Education Firearms shall be made by the Commander of the Outreach Unit.

#### **712.5 TRANSFER OF FIREARMS**

- A. When firearms are transferred from one member to another and/or moved to/from a vault, the Lead Firearms Instructor, Supervisor or their designee shall enter the information into the Firearms Transfer Form.
- B. The form shall require the following data to be entered:
  - 1. Make,
  - 2. Model,
  - 3. Action,
  - 4. Caliber/Gauge,
  - 5. Serial Number,
  - 6. Who the firearm was transferred from,
  - 7. Who or where it was transferred to, and
  - 8. the date of transfer.
- C. A transfer form submission receipt shall be automatically emailed to both the person relinquishing and receiving the firearm.
- D. Upon completion of the entry, the form shall automatically notify the Supply & Maintenance Unit Commander and Supervisor or the Outreach Unit Commander, respectively.
- E. Within five (5) days, the Supply and Maintenance Unit Commander, or their designee, shall update the locations of the firearms/optics in eQuip, and the Firearms Inventory Control Database.
- F. Updates to eQuip shall only be made for permanent transfer/reassignment of the firearm or for transfers expected to be longer than fourteen (14) days in duration (e.g., officer out on extended leave, assigned to limited duty). The Transfer Record shall be the official record for transfers of a short-term or temporary nature (transporting firearm for reassignment or training exercise, quick repair by an armorer, etc.) where the firearm is expected to be returned to its permanently assigned member within fourteen (14) days.

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### *Agency Firearm Inventory*

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#### **712.6 ANNUAL INVENTORY OF FIREARMS**

- A. Once per calendar year, between September 1 and October 31, a visual audit of firearms shall occur.

##### **712.6.1 REQUIRED ACTIONS**

- A. The Area/Unit Commander shall direct the supervisors under their command to inventory and visually verify each firearm assigned in their district/section.
- B. Each firearm shall be physically verified; photographs or other means of verification are NOT acceptable and do not satisfy this policy
- C. By October 31, the supervisor shall ensure that every firearm assigned to personnel under their command has been inventoried and the make, model, serial number, and person responsible for the firearm are accurate and up to date. This includes spare firearms.
- D. The supervisor shall then certify that the firearm has been physically verified by entering the supervisor's name and the date the firearm was physically verified into the appropriate columns in the Firearms Inventory Control database.
- E. The Area/Unit Commander shall verify that each firearm assigned to their Area/Unit has been inventoried in the Firearms Inventory Control Database by October 31.

#### **712.7 AUDIT**

- A. Following October 31, the Supply and Maintenance Unit Commander or their designee shall audit fifteen percent (15%) of the Firearms Inventory Control Database.
  - 1. This audit shall be completed by January 1st of each year.
  - 2. The audit shall verify the Firearms Inventory Database with Agency records.

#### **712.8 HUNTER SAFETY EDUCATION PROGRAM FIREARMS**

- A. Specific procedures for Hunter Safety Firearms are outlined in Procedure 703, "Hunter Education Firearms Inventory & Control". These shall match the procedures found in this section; however, will contain specific details due to the organizational structure of the Hunter Safety Education Program.

#### **712.9 DISCREPANCIES FOUND DURING INVENTORY & AUDIT**

- A. Any unaccounted-for firearms shall be noted and immediately followed up on, taking the necessary action to correct the discrepancy.
- B. Notification shall be made to the chain of command and to the Supply and Maintenance Unit Commander.

## **Chapter 8 - Property and Miscellaneous**

## Crime Analysis

### 800.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing crime analysis to support the overall law enforcement efforts of the Maryland Natural Resources Police. It addresses the collection and dissemination of crime analysis data that is useful to long-range planning and that can assist in identifying enforcement priorities, strategies and tactics.

### 800.2 POLICY

It is the policy of the Maryland Natural Resources Police to utilize crime analysis as a tool in crime control and prevention efforts. This entails gathering, analyzing and correlating data to effectively deploy the Agency's resources.

### 800.3 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to, the following:

- Crime reports
- Field Interview Reports (FIR)
- Parole and probation records
- Activity records from the Communications Center Computer Aided Dispatch (CAD)
- Records Management System (RMS) records
- Maryland Statistical Analysis Center (MSAC)

### 800.4 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

### 800.5 CRIME ANALYSIS DISSEMINATION

Information developed through crime analysis should be disseminated to the appropriate bureaus or members on a timely basis. Information that is relevant to the operational or tactical plans of specific line members should be sent directly to them.



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Information relevant to the development of agency strategic plans should be provided to the appropriate command staff members.

When information pertains to tactical and strategic plans, it should be provided to all affected members

## Property

<b>Effective Date:</b>	01/30/23
<b>Revised Date:</b>	REVIEWED--08/21/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--09/01/24

### 801.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

This policy does not apply to the Task Forces Section as they follow their own internal policy and guidelines on the processing and handling of evidence and property. Should there be an issue not covered by the Task Forces Section policy, then this policy shall apply.

#### 801.1.1 DEFINITIONS

Definitions related to this policy include:

**Crime firearm** - a firearm used in the commission of a crime of violence, as defined under § 5-101 of the Public Safety Article, or recovered by a law enforcement agency in connection with illegal firearm possession, transportation, or transfer; or surrendered pursuant to a final protective order issued under Md. Code FL § 4-506.

**Evidence** - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.

**Found property** - Items found by members of the Agency or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.

**Property** - All articles placed in secure storage within the Property Storage Area.

**Property Storage Areas** - secured areas and evidence lockers/rooms, as approved by identified locations as listed in the RMS.

**Property Custodian** - an employee, normally the Area or Unit Commander, responsible for implementing the property storage procedures as described in this policy. An alternate, who shall hold the rank of sergeant, shall also be designated.

**Safekeeping** - Items received by the Agency for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under the authority of law.

**System Evidence ID Number** – unique, identifying number created by the Records Management System

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**Temporary Storage Locker** – a secure temporary evidence locker at a facility approved by the Area Commander. The property will not be held more than 72 hours in a temporary storage locker.

#### **801.2 POLICY**

It is the policy of the Maryland Natural Resources Police to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

#### **801.3 PROPERTY STORAGE AREA SECURITY**

The Property Storage Area shall maintain secure storage and control of all property in the custody of this agency. The Area/Unit Commander shall be designated as the property custodian for each facility under their command. The property custodian is responsible for the security of the Property Storage Area. One alternate property custodian at the rank of Sergeant may be designated for each facility, however accountability for security and control of the property room remains with the Area/Unit Commander. The Regional/Division commander will have RMS evidence access for audit purposes only; they will not have physical access to property storage areas.

##### **801.3.1 REFUSAL OF PROPERTY**

The Property Custodians have the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should a property custodian refuse an item of property, they shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required.

##### **801.3.2 KEY CONTROL**

Property Storage Area keys should be maintained by the property custodians and alternate property custodians. Property Storage Area keys shall not be loaned to anyone and shall be maintained in a secure manner. If a Property Storage Area key is lost, all access points shall be re-keyed and new keys issued without delay as necessary. If a key is lost, no additional evidence will be placed in the evidence room until it has been re-keyed.

##### **801.3.3 ACCESS**

Only authorized members assigned to the Property Storage Area shall have access to property storage areas. Any other individual who needs to enter the property storage area (e.g., maintenance or repair contractors) must be approved and accompanied by the respective property custodian. Each individual must sign the Property Storage Area access log and indicate:

- (a) The date and time of entry and exit.
- (b) The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying agency member.

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#### **801.4 PROPERTY HANDLING**

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the property custodians and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

Whenever property is taken from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property from the Agency. A copy of the property receipt form shall be given to the individual from whom the property was taken.

Members shall not convert to their own use, manufacture, tamper with, damage through negligence, destroy, or in any other way misappropriate any evidence or any other material or property found in connection with an investigation or other police action, except in accordance with established Agency procedures.

##### **801.4.1 PROCESSING AND PACKAGING**

All property must be processed prior to the responsible member going off-duty, unless otherwise approved by a supervisor. Members shall process and package property as follows:

- (a) A NRP-416-RMS, Chain of Custody, shall be completed, separately describing each item of property. The below information shall be entered into the Records Management System along with all other information required for entry. List all known information including:
  - 1. Serial numbers
  - 2. Owner's name
  - 3. Finder's name
  - 4. Other identifying information or markings
- (b) Each item shall be marked using approved evidence tags/labels with the member's initials and the date processed using a method that will not damage, deface, degrade, or devalue the item. Items too small or too delicate to mark should be individually packaged and labeled and the package marked using approved evidence tags/labels with the member's initials and date.
- (c) Property shall be packaged in a container suitable for its size.
- (d) A property tag shall be completed and attached to the property or container in which the property is stored.
- (e) The case number shall be indicated on the property tag and the container.
- (f) The property form shall be submitted with the evidence to the property custodian or placed in the temporary evidence locker with the evidence.
- (g) Items too large to fit in a temporary property locker may be placed in a designated storage area that can be secured from unauthorized entry, and the property control card placed in a temporary property locker.

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#### 801.4.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

**Bicycles** - Bicycles and bicycle frames shall have a property tag securely attached and may be placed in an alternate storage area as needed.

**Biological and related items** - Evidence that may contain biological samples shall be indicated as such on the property form.

Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.

Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

**Cash** - Cash shall be counted in the presence of another member. The cash shall be photographed or copied and be placed in a property envelope and initialed by both members. Both witnesses to the count, shall initial and date the envelope, and specify any additional security or precautionary procedures that may be necessary. Unless testing for the presence of CDS or other unusual circumstance exists that requires the cash seized to be used as evidence, the property custodian shall, within 5 business days, submit the cash to the Administrative Services Bureau Chief for deposit into the State Holding Account. Cash may be held for safekeeping if it can be returned to its owner or an authorized representative within 15 days.

**Explosives and fireworks** - Explosives will not be retained in any NRP property room. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area designated for storage of flammable materials.

Property custodians are responsible for the transportation to the Office of the State Fire Marshal, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

**Firearms and other weapons** - Firearms shall be unloaded and packaged separately from ammunition. Knife boxes should be used to package knives. Note that for any crime firearm seized, a NRP-402, Crime Firearm Data Sheet, must be submitted to the MSP Gun Center--see below for further.

**Government property** - License plates that have not been reported stolen or are of no evidentiary value should be placed in the designated container for return to the Motor Vehicle Administration by the locating officer. No formal property processing is required.

**Hazardous materials and flammables** shall not be stored in the Property Storage Area. Generally, small samples of this type of evidence are sufficient for analysis and bulk amounts should be disposed of after the sample is obtained.

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State property that is of no evidentiary value should be released directly to the appropriate State department. No formal property processing is required.

If no responsible State personnel can be located, the property should be held for safekeeping.

**Sharps** - Syringe tubes should be used to package syringes and needles.

#### 801.4.3 CONTROLLED DANGEROUS SUBSTANCES

- (a) Controlled dangerous substances (CDS) shall not be packaged with other property, but shall be processed separately using a separate property form.
- (b) The member processing CDS shall retain such property in his/her possession until it is weighed, packaged, tagged, and placed in the designated CDS locker, accompanied by the property control form and request for laboratory testing (MSP 67A).
- (c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected CDS. If conducted, the result of the test shall be included in the report.
  - 1. The member shall package CDS as follows:
    - (a) Maintain the property in the container in which it was seized and place it in a property envelope of appropriate size.
    - (b) Seal and initial the property envelope and cover the initials with cellophane tape.
    - (c) Weigh the property envelope to obtain the Gross Package Weight (GPW).
    - (d) Write the GPW and then initial and date the outside of the package.
- (d) When the quantity of CDS exceeds the available safe storage capacity as determined by the property custodian, the quantity shall be photographed and transported to an appropriate storage or destruction facility.
  - 1. A representative sample of sufficient quantity to allow scientific analysis of the CDS should be taken as allowed by state law and placed in a separate package or container.
  - 2. Excess quantities should be stored or disposed of as required by law or directed by court order.
- (e) Cannabis with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The property custodians shall monitor stored cannabis for growth of mold.

#### 801.4.4 EXTREME RISK PROTECTIVE ORDERS

Whenever a firearm or ammunition is received under an extreme risk protective order, the receiving member should complete a property form identifying the firearm by make, model, and serial number, retain the form, and provide a copy of the form to the person, along with information on the process for reclaiming the firearm/ammunition (Md. Code PS § 5–608).

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All firearms taken in relation to an extreme risk protective order should be stored and transported in a protective case, if available, and in a manner intended to prevent damage to the firearm. No identifying or other marks may be placed on the firearm (Md. Code PS § 5–608).

#### **801.4.5 FIREARMS CRIMES**

Whenever a firearm is recovered or seized in connection with illegal firearm possession, transportation, or transfer, or that was used in the commission of a crime of violence as defined in Md. Code PS § 5-101, or that was surrendered pursuant to a final protective order issued under Md. Code FL § 4-506, the member who seized the firearm(s) will complete the NRP-402, Crime Firearm Data Sheet, then send the completed form via email to [Gun.Center@Maryland.gov](mailto:Gun.Center@Maryland.gov) before the end of their shift (Md. Code PS § 5-803). The NRP-402 is approved by the Gun Center for sufficiency and records:

- (a) The number and type of firearms recovered or surrendered.
- (b) The jurisdiction where the firearm was recovered or surrendered.
- (c) The source of the firearm recovered or surrendered, if it can be determined.
- (d) Information concerning any person found in possession of the firearm, or who surrendered the firearm.
- (e) Any additional information required by the Maryland State Police Gun Center.

The investigating member will ensure the NRP-402 is scanned and uploaded as an attachment to the RMS, then secured to the packaging of the seized firearm when placed into the temporary locker.

#### **801.5 RECORDING OF PROPERTY**

The property custodian receiving custody of property shall transfer the property to the property storage area. The property custodian shall, update the NRP-416-RMS and any other chain of custody form as appropriate, and update the RMS system. If the property meets the definition of a "crime firearm", the property custodian will ensure the seizing officer completed a NRP-402 and sent the same to the MSP Gun Center. The property custodian will staple the completed NRP-402 to the associated NRP-416-RMS, and ensure the forms remain together.

#### **801.6 PROPERTY CONTROL**

The property custodian relinquishing custody of property to another person shall record his/her signature, the date and time the property was released and the name of the person accepting custody of the property on the NRP-416-RMS.

The property custodian shall obtain the signature of the person to whom the property is released. Any member receiving property shall be responsible for such property until it is properly returned to the Property Storage Area or properly released to another authorized person or entity.

The return of the property to the Property Storage Area should be recorded on the chain of custody, indicating the date, time and the name of the person who returned the property, and to whom the property is returned.

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#### **801.6.1 EVIDENCE**

Every time evidence is released or received, an appropriate entry on the chain of custody shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from the investigating officer or a supervisor.

Temporary release of evidence to members for investigative purposes, or for court proceedings, shall be noted on the chain of custody, stating the date, time and to whom released. Requests for items of evidence needed for court proceedings shall be submitted to the property custodian at least one week prior to the court date.

Requests for laboratory analysis for items other than CDS shall be completed on the appropriate lab form and submitted to the property custodian. This request may be submitted any time after the property has been processed.

#### **801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The property custodian releasing items of evidence for laboratory analysis must complete the required information on the chain of custody. The transporting member will acknowledge receipt of the evidence by indicating the date and time on the chain of custody. The lab form will be transported with the evidence to the examining laboratory. Upon delivering the item involved, the member will record the delivery time on the lab form and the chain of custody and obtain the signature of the person accepting responsibility of the evidence. The original copy of the lab form will remain with the evidence and a copy of the form will be scanned into RMS and returned to the Records Section for filing with the incident report.

#### **801.6.3 CONTROLLED DANGEROUS SUBSTANCES**

The Property Custodians are responsible for the storage, control and destruction of all CDS coming into the custody of the Agency. The quantity will be verified every time CDS are checked in or out of the Property Storage Area and any discrepancies will be noted on the outside of the package. Any change in quantity should be immediately reported to the Regional Commander.

#### **801.6.4 UNCLAIMED MONEY**

The Property custodians shall submit an annual report regarding money that is presumed to have been abandoned to the Administrative Services Bureau Chief or more frequently as directed. The Property custodians shall transfer such money along with the report. Unclaimed money will be placed into the appropriate agency account by the Administrative Services Bureau.

#### **801.7 RELEASE OF PROPERTY**

Property custodians shall authorize the release of all property coming into the care and custody of the Agency. All reasonable attempts shall be made to identify the rightful owner of found property or items of evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the authorizing supervisor or investigator and must conform to the items listed



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on the NRP-416-RMS or must specify the specific items to be released. Release of all property shall be documented on the NRP-416-RMS.

Found property and property held for safekeeping shall be held for the period of time required by law. During such period, the investigating officer Property Storage Area members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented in related reports.

Property custodians shall release the property when the owner presents proper identification and an authorized property release form has been received. A signature of the person receiving the property shall be recorded on the NRP-416-RMS. If some items of property have not been released, the NRP-416-RMS will remain with the non-released items in the Property Storage Area. After release of all property entered on the NRP-416-RMS, it shall be forwarded scanned into RMS as a supplemental to the incident report. Upon release, the proper entry shall be documented in the property login the RMS.

Firearms or ammunition should only be released upon presentation of valid identification and determination that the individual may legally possess the item.

#### 801.7.1 DISCREPANCIES

The Regional/Division Commander shall be notified whenever a person alleges there is a shortage or discrepancy regarding the person's property. The Regional/Division Commander will interview the person claiming the shortage. The Regional/Division Commander shall ensure that a search for the alleged missing items is conducted and shall attempt to prove or disprove the claim. Any unresolved discrepancies shall be forwarded to IAU through Blue Team.

#### 801.7.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by the Agency and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Agency should be contacted.

#### 801.7.3 EXTREME RISK PROTECTIVE ORDERS

Firearms or ammunition taken in relation to an extreme risk protective order should only be released as follows (Md. Code PS § 5-608):

- (a) On the expiration or termination of the order, the property custodian should notify the respondent on the order that the respondent may request a return of the firearms/ammunition.
- (b) If the respondent requests a return of the firearms/ammunition and is not prohibited from possessing the firearms/ammunition, the property custodian should return the firearms/ammunition no later than 14 days after the expiration of an interim or temporary order or termination of a final order and no later than 48 hours after the expiration of a final order.

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- (c) If the respondent does not desire that the firearms/ammunition be returned, the property custodian may release the firearms/ammunition to a licensed firearms dealer or another person who is not prohibited from possessing the firearms/ammunition and who does not live with the respondent, but only upon written verification that the respondent has agreed to the transfer.
- (d) If another person claims ownership of the firearms/ammunition, the property custodian may release the property to the person upon proof of ownership if the person is not prohibited from possessing the firearms/ammunition.

#### **801.8 DESTRUCTION OR DISPOSAL OF PROPERTY**

The property custodians shall authorize the destruction or disposal of all property held by the Agency. All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from a supervisor. The disposition of all property shall be entered on a supplemental report and the NRP-416-RMS.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices that are forfeited or declared by law to be illegal to possess shall be destroyed following expiration of appeal period. (Md. Code CP § 13-206).
- CDS declared by law to be illegal to possess without a legal prescription shall be destroyed quarterly (Md. Code CP § 12-403).
- Money seized in connection with arrest for unlawful bookmaking, betting, or gaming shall be transferred from the state holding account to the NRP budget upon expiration of the appeal period (Md. Code CP § 13-106).
- A forfeited motor vehicle, other vehicle, vessel, or aircraft that was used to conceal, convey, or transport explosives in violation of law (Md. Code CP § 13-301(d)).
- Firearms or ammunition surrendered pursuant to an extreme risk protective order, upon a respondent's request for destruction, or if such property is not reclaimed within six months of the notice provided to the respondent (Md. Code PS § 5-608).

#### **801.8.1 BIOLOGICAL EVIDENCE**

Property custodians shall ensure that no biological evidence held by this agency is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Criminal Investigations Section Supervisor

Biological evidence shall be retained for a minimum period established by law (Md. Code CP § 8-201) or the expiration of any sentence imposed related to the evidence, whichever time period is

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greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this agency within 90 days of the date of the notification. A record of all certified mail receipts shall be scanned into RMS as part of the investigatory file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigations Section Supervisor. If the property custodian determines that biological evidence should be destroyed before the end of the statutorily required retention period, they should give 120-days' notice to the appropriate parties pursuant to Maryland law, if applicable (Md. Code CP § 8-201).

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Superintendent and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Special Services Bureau Chief should be consulted and the sexual assault victim should be notified.

Sexual assault evidence collection kits and other crime scene evidence relating to sexual assaults that has been identified by the prosecutor as relevant to the prosecution should not be disposed of prior to 75 years from the date of collection, unless allowed by law (Md. Code CP § 11-926; COMAR 02.08.01.04).

#### 801.8.2 REQUEST FOR NOTICE

Upon written request by a victim of sexual assault, the Maryland Natural Resources Police should notify the victim 60 days before the date of intended disposal of biological or other evidence relating to the victim's case or retain the evidence for 12 months longer than the time period required by law unless a different time period has been agreed upon by the victim (Md. Code CP § 11-926; COMAR 02.08.01.04).

#### 801.8.3 CANNABIS

At the first sign of mold growth, stored cannabis plants shall be photographed showing the mold growth and the property custodians shall make efforts to lawfully destroy the contaminated cannabis in compliance with this policy and as soon as practicable. Property custodians should consult with the member assigned to the case investigation for his/her authorization to destroy the remaining cannabis after taking representative samples and consulting with the prosecutor, if appropriate.

#### 801.8.4 MEDICAL CANNABIS

The investigating member should advise the property custodian and the prosecutor if the party from whom the cannabis was seized claims that the possession of the cannabis is for medical purposes.

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The property custodian shall store cannabis and related property seized from a person engaged or assisting in the use of medical cannabis consistent with the provisions of the Medical Cannabis Policy.

Cannabis that is infected with mold shall not be returned. This includes cannabis seized from a person who holds a valid medical permit to possess cannabis or who claims that possession of the cannabis is for medical purposes.

#### **801.9 AUDITS OF THE PROPERTY STORAGE AREA**

The Regional/Division Commander, accompanied by the property custodian(s), shall conduct quarterly audits of the Property Storage Area to ensure adherence to appropriate policies and procedures. The Internal Investigations Unit Commander also shall ensure that an audit is conducted annually, or as directed by the Superintendent.

During the quarterly audit, should a discrepancy be found, the incident will be documented in Blue Team by the Regional/Division Commander. Internal Affairs Unit will document in Blue Team any discrepancies found during the annual audit.

Whenever there is a change of assignment for any member with authorized access to the Property Storage Area, an audit of all property shall be conducted by the Internal Affairs Unit. This audit shall take place prior to the change of assignment.

## Wildlife and Domestic Animal Response

<b>Effective Date:</b>	09/30/22
<b>Revised Date:</b>	REVIEWED--07/27/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--08/01/24

### 802.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

### 802.2 POLICY

It is the policy of the Maryland Natural Resources Police to be responsive to the needs of the community regarding animal-related issues that pose a threat to public safety. This includes enforcing state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

### 802.3 DNR WILDLIFE AND HERITAGE SERVICE

Response to calls for service relating to sick, nuisance, or injured wildlife are generally the primary responsibility of DNR Wildlife and Heritage Service and include the following:

- (a) Wildlife-related matters during periods when DNR Wildlife and Heritage Service personnel are available.
- (b) Ongoing or persistent wildlife nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that DNR Wildlife and Heritage Service personnel are available for investigation and resolution.

### 802.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation. Calls for service involving domestic animals should be referred to the local animal control entity.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone; members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.

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- (e) Should an officer arrest an owner/handler of an animal or the owner/handler is incapacitated, the member should find appropriate placement for the animal.
  - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
  - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
  - 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

#### **802.5 ANIMAL CRUELTY COMPLAINTS**

Laws relating to the cruelty to animals should be enforced including but not limited to:

- (a) Abuse or neglect of an animal (Md. Code CR § 10-604).
- (b) Aggravated cruelty to animals (Md. Code CR § 10-606).
- (c) Dogfights (Md. Code CR § 10-607).
- (d) Cockfights (Md. Code CR § 10-608).
- (e) Poisoning a dog (Md. Code CR § 10-618).
- (f) Endangering the health or safety of a dog or cat by leaving the animal unattended in a motor vehicle (Md. Code TR § 21-1004.1).
- (g) An investigation should be conducted on all reports of animal cruelty.
- (h) Officers may seize an animal if necessary to protect an animal that is in need of immediate care or protection from acts of cruelty (Md. Code CR § 10-615(b)(1)).
  - 1. If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, or is subject to cruelty or is neglected, an officer may enter the place where the animal is located, except if the animal is in a private dwelling, and supply the animal with necessary food, water, and attention, or seize the animal if seizure is necessary for the animal's health (Md. Code CR § 10-615(c)).
  - 2. The officer shall notify the animal's owner or custodian by personal service or certified mail with 24 hours of the seizure and any administrative or judicial remedies that may be available (Md. Code CR § 10-615(d)).
  - 3. Seizure of livestock, poultry, or a dog actively engaged in livestock herding or guarding requires the prior recommendation of a veterinarian licensed in the state (Md. Code CR § 10-615(f)).
  - 4. If an animal or livestock is seized, the officer should follow the requirements of Md. Code CR § 10-615.1 for filing a petition with the court.

##### **802.5.1 CONFIDENTIAL REPORTS**

Reports of suspected cruelty received from a veterinarian and the identity of the veterinarian shall be confidential, must be kept in a secure location, and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (COMAR 15.14.15.04).

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#### **802.6 ANIMAL BITE REPORTS**

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities.

Members investigating an animal bite involving wildlife should make reasonable efforts to coordinate with the appropriate agency (e.g., local animal control, Wildlife and Heritage Service) to euthanize, capture or otherwise have the animal placed under quarantine in accordance with Md. Code HG § 18-320.

Members investigating an animal bite involving a domestic animal should make reasonable efforts to coordinate with the appropriate animal control agency for further direction.

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. PCOs and officers should instruct the reportee to contact the appropriate animal control entity.

Members shall complete the NRP-404, Maryland Animal Bite Report and Rabies Quarantine Agreement, then print three copies: an agency copy, a copy for the animal owner/custodian and a copy for the quarantine facility. The member will ensure the animal owner/custodian signs all three copies, and that both the animal owner/custodian and quarantine facility receive a completed, signed copy. The completed and signed agency copy will be scanned and uploaded as an attachment to RMS. The member will then make the NRP-404 available within 24 hours to the local health officers and, on request, to the Public Health Veterinarian (COMAR 10.06.02.05; Md. Code HG § 18-316).

If rabies or distemper is suspected and the animal is to be tested, its head must remain intact.

#### **802.7 STRAY DOGS**

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

#### **802.8 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, they should request the assistance of DNR Wildlife and Heritage Service or animal control services from an allied agency.

#### **802.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals.

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#### 802.9.1 AVERSION CONDITIONING OF BLACK BEARS

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

##### 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.

An officer may conduct aversive conditioning of nuisance black bears only at those times when Maryland Wildlife and Heritage 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.

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

#### 802.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Members encountering deceased eagles shall collect the carcass utilizing the appropriate PPE and contact the U.S. Fish and Wildlife Service.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.



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#### **802.11 INJURED ANIMALS**

When a member becomes aware of injured wildlife, all reasonable attempts should be made to take it to a designated animal rehabilitation facility if appropriate. For injured fawns, members should refer to the Wildlife and Heritage Service's Fawn Policy.

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

When a domestic animal is injured in a traffic accident, the member shall notify the appropriate local organization to give such injured animal medical care (Md. Code TR § 20-106(b)).

#### **802.12 DISPATCHING INJURED OR DANGEROUS ANIMALS**

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed.

#### **802.13 CAPTIVE WILDLIFE INSPECTION PROCEDURE**

- (a) 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.
- (b) Inspections will be captured on the RMS Regulated Shooting Area Inspection Report Template.
- (c) 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.
- (d) When completing falconry inspections, the RMS Raptor Facilities Inspection Report Template should be used in addition to the RMS Wildlife Inspection Report Template.

#### **802.14 ADDITIONAL WILDLIFE ISSUES**

For information regarding the following wildlife issues:

- (a) Abandoned/orphaned fawns – members are to instruct the public that abandoned/orphaned fawns are to be left in their natural environment. For additional guidelines see the Wildlife and Heritage Service's Fawn Policy.
- (b) Captive Wildlife – In the event a member of the public has custody of wildlife without proper authority, officers should refer to the Wildlife and Heritage Service's Captive Wildlife Policy or Captive Deer Policy.

## Potassium Iodide Tablets

### 803.1 KI TABLETS

The NRP Health Safety Officer will ensure that Matapeake maintains a supply of Potassium Iodine (KI) that is not expired and annually reminds agency personnel the process to request this protective measure.

- (a) The Agency must take steps to protect its personnel from the harmful affects of radiological exposure. Therefore, the Agency shall make available to all NRP personnel two 130-mg tablets, a two-day dose, of potassium iodide (KI).
- (b) Before being issued the potassium iodide, all Agency personnel must complete NRP Form NRP-481 which will be kept on file at the local Area Office by the Commander. The original form will be forwarded to the NRP Health Safety Officer.
- (c) Personnel shall keep their packaged pills with them at all times.
- (d) Area / Unit Commander's shall issue the KI pills.
- (e) The two 130-mg tablets of potassium iodide (KI) are only to be taken during a radiological emergency and shall only be administered upon the authority of a State of Maryland's health officer (i.e., State of Maryland Medical Director or State of Maryland Department of Health & Mental Hygiene health officer) or a local county health officer. If so directed, personnel shall take one KI pill each day for two days, or until told to stop.
- (f) Personnel who have experienced an allergic reaction to iodine or to shellfish, SHOULD NOT TAKE THE PILLS.
- (g) Any personnel experiencing any side effects such as a metallic taste in their mouth, shortness of breath or swelling of the Salivary Glands, should stop taking the KI immediately and CONTACT THE DESIGNATED HEALTH OFFICIAL.
- (h) For more information about KI see the links below.

<http://www.nrc.gov/about-nrc/emerg-preparedness/about-emerg-preparedness/potassium-iodide/ki-faq.html>

<http://www.fda.gov/Drugs/EmergencyPreparedness/BioterrorismandDrugPreparedness/ucm319791.htm>

## **Chapter 9 - Custody**

# Temporary Custody of Adults

## 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Maryland Natural Resources Police for processing prior to being released or transferred to a detention center, housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Temporary custody** - The time period an adult is in custody of the Maryland Natural Resources Police prior to being released or transported to a detention center, housing or other type of facility.

## 900.2 POLICY

The Maryland Natural Resources Police is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody of the Agency. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

## 900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

### 900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be held in temporary custody by the Maryland Natural Resources Police, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are suspected suicide risk (see the Mental Health Evaluation Policy).
  - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

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### *Temporary Custody of Adults*

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- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Agency unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

#### **900.3.2 SUPERVISION IN TEMPORARY CUSTODY**

An authorized agency member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female agency member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

#### **900.4 INITIATING TEMPORARY CUSTODY**

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The officer should promptly notify the Duty Officer of any conditions that may warrant immediate medical attention or other appropriate action.

#### **900.4.1 CONSULAR NOTIFICATION**

Consular notification may be mandatory when certain foreign nationals are arrested. The Support Services Bureau Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to agency members. There should also be a published list of foreign embassy and consulate telephone and fax numbers.

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Agency members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
  - 1. If the country is on the mandatory notification list, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
    - (c) Forward any communication from the individual to his/her consular officers without delay.
    - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any faxed confirmation for the individual's file.
  - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Forward any communication from the individual to his/her consular officers without delay.

## **900.5 SAFETY, HEALTH AND OTHER PROVISIONS**

### **900.5.1 TEMPORARY CUSTODY LOGS**

Members of this agency shall abide by any documentation requirements for logs by the holding facility (e.g., Maryland State Police barracks).

### **900.5.2 MEDICAL CARE**

First-aid equipment and basic medical supplies should be available to agency members.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should be released or transferred to another facility as appropriate.

### **900.5.3 ORTHOPEDIC OR PROSTHETIC APPLIANCE**

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

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Whenever a prosthetic or orthopedic appliance is removed, the Duty Officer shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

#### **900.5.4 TELEPHONE CALLS**

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible.

- (a) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.
- (b) If communication is deemed detrimental to an investigation, approval for such phone call shall not be granted by the officer.

#### **900.5.5 FIREARMS AND OTHER SECURITY MEASURES**

Firearms and other weapons and control devices shall be properly secured in accordance with the facility's requirements.

#### **900.6 USE OF RESTRAINT DEVICES**

Individuals in custody will be handcuffed in accordance with the Handcuffing and Restraints Policy.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody of the Maryland Natural Resources Police unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

##### **900.6.1 PREGNANT ADULTS**

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

#### **900.7 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be documented in the appropriate report.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Agency shall maintain a copy of the property receipt.

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A supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The supervisor shall attempt to prove or disprove the claim.

#### **900.8 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY**

Field Operations Bureau Commanders will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody of the Maryland Natural Resources Police. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Duty Officer.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the Attorney General.
- (f) Notification of the Medical Examiner.
- (g) Evidence preservation.

#### **900.9 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been return to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any non-public areas of the Maryland Natural Resources Police unless escorted by a member of the Agency.
- (g) Any known threat or danger the individual may pose (escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
  - 1. The agency member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility. Any such communication should be noted in the Agency members report of temporary custody.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should consider requesting



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### *Temporary Custody of Adults*

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additional units to assist with the transportation. Members shall always be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

## Temporary Custody of Juveniles

<b>Effective Date:</b>	01/05/23
<b>Revised Date:</b>	REVIEWED--09/28/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 901.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Maryland Natural Resources Police (34 USC § 11133).

#### 901.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held by law enforcement for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

**Juvenile offender** - A juvenile 13 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest, or a juvenile 10 to 12 years of age who is alleged to have committed a crime of violence as defined in Md. Code CR § 14-101 (Md. Code CJ § 3-8A-01; Md. Code CJ § 3-8A-03). A juvenile offender also includes a juvenile in custody for handgun possession by a person under age 21 years under Md. Code PS § 5-133 (28 CFR 31.303).

**Non-secure custody** - When a juvenile is held in the presence of an officer or other agency member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

**Safety checks** - Direct, visual observation by a member of this agency performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

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- (b) A juvenile handcuffed to a rail or other object.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**Sight and sound separation** - Located or arranged to prevent physical, visual, or auditory contact.

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

#### **901.2 POLICY**

The Maryland Natural Resources Police is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Agency. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

#### **901.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit certain behaviors or conditions should not be held by the Maryland Natural Resources Police. These include:

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Mental Health Evaluations Policy).
  - 1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.
- (d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (e) Extremely violent or continuously violent behavior.

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- (f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held by the Agency unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

#### **901.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at a Maryland Natural Resources Police facility when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to another authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her initial detention by the Agency (34 USC § 11133).

##### **901.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held by the Maryland Natural Resources Police. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

##### **901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS**

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to an alternate location to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

The following offenses require a citation in lieu of custody absent a separate justification for custody (Md. Code CJ § 3-8A-33):

- (a) Alcoholic beverage violations (Md. Code CR § 10-113; Md. Code CR § 10-114; Md. Code CR § 10-115; Md. Code CR § 10-116)
- (b) Possession of *Salvia divinorum* (Md. Code CR § 10-132)
- (c) Table game and video lottery terminal violations (Md. Code CR § 10-136)
- (d) Alcohol possession or consumption on school premises (Md. Code ED § 26-103)
- (e) Use or possession of cannabis (Md. Code CR § 5-601)

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#### 901.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Maryland Natural Resources Police unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Juvenile offenders are subject to custody when (Md. Code CJ § 3–8A–14; Md. Code CJ § 3-8A-19.5):

- (a) An officer has probable cause to believe the juvenile committed an offense that would subject an adult to arrest or violated a peace order.
- (b) There is a valid warrant for the juvenile's arrest (Md. Code CJ § 3-8A-14.1).

An officer should contact the court or an intake officer in cases when there is reason to believe a juvenile offender in custody may need to be detained because the juvenile needs protection, the juvenile is a danger to others, or the juvenile is likely to abscond (Md. Code CJ § 3–8A–15).

#### 901.5 NOTIFICATIONS

When a juvenile is taken into custody, officers shall immediately notify the juvenile's parent, guardian, or custodian of the custody, the reason for the custody, the juvenile's location, and how to meet with the juvenile. Other reasonable attempts to communicate this information should be made if direct contact cannot be immediately made (Md. Code CJ § 3-8A-14; Md. Code CP § 2-108), in a manner reasonably calculated to give actual notice. If the juvenile has been taken into protective custody, the officers should also immediately notify the county department of social services (Md. Code CJ § 3-814). If there is reason to believe that the juvenile is a victim of sex or human trafficking, as soon as practicable, officers shall notify the appropriate regional navigator, report to the local department of social services, and release the juvenile to a parent, guardian, or custodian, or to social services, as appropriate (Md. Code CJ § 3-8A-14).

For more information on the regional navigator program, click here: [Regional Navigator Program](#)

##### 901.5.1 REQUIRED SCHOOL NOTIFICATION

If a juvenile between the ages of 5 and 21 (inclusive) is taken into custody for one of the reportable offenses listed in Md. Code ED § 7-303(a)(6) or for an offense related to the juvenile's membership in a criminal organization, the officer who took the juvenile into custody must ensure notification of the following officials of any school the juvenile attends within 24 hours or as soon as practicable:

- Local superintendent
- School principal
- School security officer (if applicable)

The officer may also notify the State's Attorney (Md. Code ED § 7-303).

#### 901.6 JUVENILE CUSTODY LOGS

Members of this agency shall abide by any documentation requirements for logs by the holding facility (e.g., Maryland State Police barracks).

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#### **901.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Maryland Natural Resources Police (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Agency shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

##### **901.7.1 TRANSPORTATION**

A juvenile may not be transported from the field or to another detention facility with any adult who has been charged with or convicted of a crime unless the court has waived its jurisdiction and the juvenile is being prosecuted as an adult (Md. Code CJ § 3-8A-16(c)).

#### **901.8 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Maryland Natural Resources Police shall ensure:

- (a) The supervisor is notified if it is anticipated that a juvenile may need to remain at the Agency more than four hours. This will enable the supervisor to ensure no juvenile is held at the Agency more than six hours.
- (b) Safety checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
  - 2. This prohibition does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (i) There is privacy during family, guardian, and/or attorney visits.
- (j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

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- (k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles have the right to the same number of telephone calls as an adult in temporary custody (see the Temporary Custody of Adults Policy).
- (o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

#### **901.9 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of a supervisor or duty officer. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

##### **901.9.1 PREGNANT JUVENILES**

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

#### **901.10 PERSONAL PROPERTY**

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

#### **901.11 SECURE CUSTODY**

The NRP does not maintain approved Secure Custody facilities at any of its locations. Juveniles shall not be placed into Secure Custody at an NRP or other DNR facility.

#### **901.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY**

The Field Operations Bureau Commander will ensure procedures are in place to address any suicide attempt, death, or serious injury of any juvenile held at the Maryland Natural Resources Police. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the chain of command to the Superintendent beginning with a supervisor/duty officer.
- (c) Notification of the parent, guardian, or person standing in loco parentis, of the juvenile

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- (d) Notification of the appropriate prosecutor
- (e) Notification of the Attorney General
- (f) Notification of the Medical Examiner
- (g) Notification of the juvenile court
- (h) Evidence preservation

#### **901.13 INTERVIEWING OR INTERROGATING**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

No custodial interrogation of a juvenile should occur without the juvenile having consulted with an attorney and without an actual or attempted contact of a parent, guardian, or custodian as set forth in Md. Code CJ § 3–8A–14.2 (Md. Code CJ § 3–8A–14.2; Md. Code CP § 2-405). Associated documentation of the attorney contacted and the contact or efforts to contact a parent, guardian, or custodian are to be documented on the NRP-403, "Documentation of Attempts to Contact a Juvenile's Guardian & Attorney Prior to Custodial Interrogation" and uploaded to RMS (Md. Code CJ § 3–8A–14.2; Md. Code CP § 2-405).

All custodial interrogations of juveniles shall be recorded in an audio and video format (e.g., body-worn camera) unless there is a reason that renders the recording impossible, impracticable or unsafe to do so, and only after the juvenile is advised the interrogation will be recorded (Md. Code CJ § 3–8A–14.2; Md. Code CP § 2-405).

#### **901.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

Any agency record, including fingerprints and photographs, concerning a child is confidential and shall be maintained separate from those of adults. These may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as otherwise provided by law (Md. Code CJ § 3-8A-27(a)).

#### **901.15 TRAINING**

Agency members should be trained on and familiar with this policy and any supplemental procedures.



## Custodial Searches

### 902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into any Maryland Natural Resources Police vehicle, vessel or facility. Such items can pose a serious risk to the safety and security of agency members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

#### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

### 902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

### 902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any agency vehicle or vessel.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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#### **902.4 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this agency, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property Storage Area Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The inventoried items must be entered into the property section of the Field Arrest Report.

#### **902.5 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The agency member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

#### **902.6 STRIP SEARCHES**

No individual in temporary custody of Maryland Natural Resources Police shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on agency members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).
- (f) Upon authority of a valid search warrant.

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be

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determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### 902.6.1 STRIP SEARCHES PROCEDURES

Strip searches shall be conducted as follows (28 CFR 115.115):

- (a) Authorization from a supervisor shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy, that has been approved by a supervisor, so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The authorization for the search, obtained from the supervisor.
  - 4. The name of the individual who was searched.
  - 5. The name and sex of the members who conducted the search.
  - 6. The name, sex and role of any person present during the search.
  - 7. The time and date of the search.
  - 8. The place at which the search was conducted.
  - 9. A list of the items, if any, that were recovered.
  - 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

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#### 902.6.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with supervisory authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy.

#### 902.7 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without approval of a supervisor and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician or other qualified medical practitioner may conduct a physical body cavity search.
- (c) Any force used to accomplish a body cavity search shall be in accordance with the Use of Force Policy.
- (d) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary agency members needed to maintain the safety and security of the medical personnel shall be present.
- (e) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (f) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The supervisor's approval.
  - 4. A copy of the search warrant, if applicable.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any agency members present.
  - 8. Any contraband or weapons discovered by the search.

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#### **902.8 TRAINING**

The Training Unit Commander shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

## **Chapter 10 - Personnel**

## Recruitment and Selection

<b>Effective Date:</b>	02/16/23
<b>Revised Date:</b>	REVIEWED--02/15/24
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--03/01/25

### 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Maryland Natural Resources Police

### 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Maryland Natural Resources Police provides equal opportunities for applicants and employees regardless of actual or perceived race, color, ancestry or ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other protected classification or status protected by law. The Agency does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Agency will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.3 RECRUITMENT

The Agency shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates. The Support Services Bureau shall lead this effort for the recruitment and selection of sworn members and Cadets. The Administrative Services Bureau shall lead efforts to recruit and select civilian members.

The strategy should include:

- (a) Use of the current Strategic Recruitment Plan.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive agency website and the use of social networking sites.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

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### *Recruitment and Selection*

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The Agency shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Agency should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

#### **1000.4 SELECTION PROCESS**

The Agency shall actively strive to identify a highly-qualified diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Agency shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
  - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment
- (k) Applicants shall be informed that if hired they must comply with the Personal Appearance Standards and Uniforms and Civilian Attire Policies.
- (l) Relevant national and state decertification records, if available
- (m) Any relevant information in the National Law Enforcement Accountability Database

##### **1000.4.1 CRIMINAL HISTORY INQUIRIES**

The Background Unit Supervisor should establish procedures to ensure that inquiries into the criminal history of applicants conform to the requirements of Md. Code LE § 3-1501 et seq.



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### *Recruitment and Selection*

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#### 1000.4.2 FACIAL RECOGNITION

The Agency should not use any facial recognition service to create a facial template of a candidate during an interview for employment unless the candidate provides a written consent waiver containing (Md. Code LE § 3-717):

- (a) The candidate's name.
- (b) The date of the interview.
- (c) A statement that the candidate consents to the use of facial recognition during the interview.
- (d) A statement that the candidate has read and understood the consent waiver form.

#### 1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Maryland Natural Resources Police.

The Superintendent shall ensure that background investigations for candidates for officer include (COMAR 12.04.01.05):

- (a) A check of military records, when applicable, including obtaining a complete copy of the candidate's discharge document.
- (b) A report from a credit agency regarding the candidate's current and past credit history.
- (c) An investigation of the prior illegal use of controlled substances by the candidate as specified under COMAR 12.04.01.16. Prior marijuana use is not a disqualifier for certification as an officer and may not be the basis for disqualifying an applicant for a position as an officer (Md. Code PS § 3-209; Md. Code PS § 3-215).
- (d) An examination of school records or interviews with school officials if the candidate attended school within the last five years.
- (e) Interviews of:
  - 1. Personal references furnished by the candidate.
  - 2. Neighbors of the candidate within the past five years.
  - 3. Current and past employers within the last five years.
  - 4. Coworkers within the last five years.

The Agency shall maintain a record of the background investigation on each candidate hired as an officer by this agency. The results of the investigation shall be recorded on an Application for Certification (AFC), including any supplemental information, as specified in COMAR 12.04.01.01 and submitted to the Maryland Police Training and Standards Commission (MPTSC). The MPTSC may refuse to certify the candidate based upon supplemental information (COMAR 12.04.01.05).

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#### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

#### 1000.5.2 STATE NOTICES

The Superintendent or the authorized designee shall complete an AFC for an officer hired by this agency. The Superintendent or the authorized designee is responsible for (COMAR 12.04.01.02):

- (a) Accurately completing the AFC.
- (b) Submitting the AFC to the MPTSC (COMAR 12.04.01.08).
- (c) Signing the AFC to certify that the MPTSC's selection standards have been met.
- (d) Including on the AFC the:
  - 1. Date the candidate completed the certification requirements.
  - 2. Agency telephone number for the Superintendent.
- (e) Submitting the AFC to the MPTSC if he/she has, within one year before submitting the AFC:
  - 1. Completed or verified for the candidate each of the selection standards as required under COMAR 12.04.01.04 or COMAR 12.04.01.08.
  - 2. Determined that the candidate meets each of the selection standards under COMAR 12.04.01.04 or COMAR 12.04.01.08.

False or misrepresented information on the AFC is a basis for rejection or revocation of certification by the MPTSC and may be the basis for separate administrative or legal action (COMAR 12.04.01.02).

#### 1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Agency shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Md. Code LE § 3-712).

The Agency may consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Agency fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Agency should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

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#### 1000.5.4 INTERVIEWS

Background investigation interviews may be conducted (COMAR 12.04.01.05):

- (a) In person.
  - 1. A personal interview conducted as part of a background investigation is considered appropriate when an interviewee is available within 50 miles of this agency.
- (b) By telephone.
- (c) By using a designated agency form and questionnaire that the interviewer or individual interviewed is required to complete.
- (d) By using other lawful methods designed to elicit useful information from an individual concerning the candidate.

Personal references and others residing outside the state may be contacted by correspondence or telephone (COMAR 12.04.01.05).

#### 1000.5.5 OUT-OF-STATE CANDIDATES

When the candidate for officer has resided or been employed out-of-state, the background investigation may be performed by an appropriate law enforcement agency or a legitimate private background investigation agency in the area where the candidate lived or worked (COMAR 12.04.01.05).

If a candidate has been employed as a police officer for the federal government or in another state, the Superintendent shall:

- (a) Report the law enforcement agency's name and jurisdiction to the MPTSC.
- (b) Forward any supplemental information obtained from the previous out-of-state law enforcement agency or from any other source.

#### 1000.5.6 INVESTIGATIONS BY OTHER AGENCIES

The Agency may authorize another individual, office or agency to conduct a background investigation (COMAR 12.04.01.05).

#### 1000.5.7 CRIMINAL RECORD CHECKS AND FINGERPRINTS

The Agency shall fingerprint candidates for officer and submit the fingerprints to the appropriate local, state, and national agencies for a search of criminal records (COMAR 12.04.01.05).

#### 1000.5.8 TATTOOS AND BODY MODIFICATIONS FOR APPLICANTS

- A. Prohibited body modifications, as outlined in Policy 1023, Personal Appearance Standards, make all applicants (sworn and civilian) ineligible for employment.
- B. Applicants will be informed that, if hired, they will be required to comply with this directive.

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- C. If an applicant is denied employment based on a prohibited body modification, a picture of the body modification will be taken and placed in the applicant's file, whenever possible.
- D. Eligible applicants will be required to submit images of all body modifications before a conditional offer of employment will be considered.
- E. All body modifications will be reviewed by the Background Investigations Section (BIS) supervisor to ensure none are prohibited as listed in Policy 1023. The decision of the BIS supervisor is final.
- F. Applicants who remove prohibited body modifications may re-apply only after the removal is completed. Removal of prohibited body modifications determined to be inconsistent with the values of the NRP may still render an applicant ineligible for hire.

#### **1000.5.9 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

#### **1000.5.10 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

#### **1000.5.11 PRIOR POLICE OFFICER EMPLOYMENT**

The Superintendent or the authorized designee should require candidates for officer to disclose, under penalty of perjury, all prior instances of employment as an officer at other law enforcement agencies and to authorize the Maryland Natural Resources Police to obtain the candidate's personnel and disciplinary records from those agencies (Md. Code PS § 3-215). The background investigator should obtain and review any personnel and disciplinary records and include the results in the background report. The Superintendent or the authorized designee should certify to the MPTSC that applicant's disciplinary record was reviewed (Md. Code PS § 3-215).

### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public

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- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

#### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Agency and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The NRP Personnel Section should maintain validated standards for all positions.

##### **1000.7.1 STANDARDS FOR OFFICERS**

Candidates for certification as an officer shall meet the following MPTSC minimum standards (COMAR 12.04.01.04):

- (a) Be 21 years old or older.
- (b) Be a United States citizen and submit documents supporting a claim of citizenship to this agency.
  - 1. Candidates may be permanent legal residents if they are honorably discharged veterans of the United States armed forces and have applied to obtain United States citizenship, provided that their application for citizenship must be ultimately approved (Md. Code PS § 3-209).
- (c) Possess and submit either of the following:
  - 1. A high school diploma issued by a high school or recognized by the State Board of Education.
  - 2. A General Education Development (GED) certificate or diploma issued by Maryland or another state or recognized by the State Board of Education.
    - (a) A college degree may be accepted in place of high school diploma or GED requirements.
    - (b) In the absence of a copy of a diploma, the Superintendent may accept a certified transcript indicating that a candidate successfully completed the requirements for graduation from a high school or college.
- (d) Be eligible under federal and Maryland law to possess and use a handgun.

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- (e) Be of good moral character as determined by a thorough background investigation and criminal history investigation, including a fingerprint check, according to the requirements under COMAR 12.04.01.05.
- (f) Submit to mental health and physical agility assessments as required by the MPTSC and any related regulations and be free from any physical, emotional, or mental condition which might adversely affect the exercise of police powers as evidenced by examinations and recommendations by appropriate health care officials (Md. Code PS § 3-209).
- (g) Possess a valid driver's license
- (h) Participate in an interview with the Superintendent or the authorized designee.
- (i) Submit to a screening for controlled dangerous substances, narcotic drugs, and marijuana according to procedures outlined in COMAR 12.04.01.15.
- (j) Submit to an implicit bias test as required by the MPTSC and any related regulations (Md. Code PS § 3-207).

The Superintendent may establish more restrictive standards than those of the MPTSC for selection of a candidate for the position of officer.

The Superintendent may submit a request for a waiver of MPTSC selection standards in accordance with the requirements of COMAR 12.04.01.14.

#### **1000.8 REINSTATEMENT**

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

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

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

#### **1000.9 PROBATIONARY PERIODS**

The NRP Personnel Section should coordinate with the DNR Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

All NRP officers serve a two-year probationary period, which begins on the first day of employment as an Officer Candidate in accordance with NR Article 1-203(e).

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Cadets serve an initial six-month probationary period. Once a cadet is reclassified to Officer Candidate, the two-year probationary status begins effective with the change.

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

## Performance Appraisals

<b>Effective Date:</b>	
<b>Revised Date:</b>	02/01/2025
<b>Issuing Authority:</b>	

### 1001.1 PURPOSE AND SCOPE

This policy provides guidelines for the Maryland Natural Resources Police performance appraisal system.

Specific procedures for the appraisal process may be found in the procedure manual. For civilian appraisal process see the DNR intranet HRS Forms Page.

### 1001.2 POLICY

The Maryland Natural Resources Police shall use a performance appraisal system to measure, document and recognize work performance. The performance appraisal will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Agency evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position.

### 1001.3 TYPES OF APPRAISALS

The Agency shall use the following types of appraisals:

**End Cycle** - An appraisal completed at regular intervals by the employee's immediate supervisor. Employees who have been promoted should be evaluated as established by the NRP Personnel Section.

When an employee transfers to a different assignment in the middle of an appraisal period, the current supervisor shall consult with all previous supervisors, including acting, for that appraisal period, and use it as input when completing the bi-annual appraisal. The supervisor shall note the previous supervisors who were consulted in the narrative section of the form.

**Mid-cycle** - A simple review notifying the employee if they meet standards at the halfway point of the appraisal cycle or if they need to make improvements in order to receive a satisfactory End Cycle Appraisal.

**Job Observation Reports (JOR)** - A report that may be completed any time a supervisor determines it is appropriate to acknowledge a commendable performance or to address less than standard performance. The observation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).



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### *Performance Appraisals*

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#### 1001.3.1 RATINGS

When completing an appraisal, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding/Exceptional** - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds standards** - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

**Meets standards** - It is satisfactory performance that meets the standards of a fully experienced or competent employee.

**Needs improvement** - Performance is less than the standards expected of a competent employee. A needs improvement rating shall be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be allowed to continue. Improvement is critical.

**Not observed** - Appraisal factor was not observed at any time during the appraisal period.

Supervisor comments may be included in the appraisal to document the employee's strengths, weaknesses and requirements for improvement. Any job dimension rating marked as unsatisfactory, needs improvement or outstanding/exceptional shall be substantiated with supervisor comments.

#### 1001.3.2 PERFORMANCE IMPROVEMENT PLAN (PIP)

Employees who receive a needs improvement or unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review his/her performance and the status of the PIP at least monthly.

#### 1001.4 APPRAISAL PROCESS

Supervisors should meet with the employees they supervise at the beginning of the appraisal period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the positions, standards of expected performance and the appraisal criteria with each employee.

Performance appraisals cover a specific period of time and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Appraisals should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues

# Maryland Natural Resources Police

## Policy Manual

### *Performance Appraisals*

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as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the appraisal period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues.

All supervisors shall receive training on performance appraisals within one year of a supervisory appointment.

All essential job functions and other assigned duties used when appraising all sworn officers are clearly listed on the appraisal forms and delineated by rank. Essential job functions for civilian employees are listed on the Position Description form (MS-22).

#### **1001.5 APPRAISAL FREQUENCY**

There will be two appraisals given each year. The first, following the period July through December of the preceding calendar year, which is due to the NRP Personnel Section, on the first Friday of February. The second, following the period January through June, which is due to the NRP Personnel Section, the first Friday of August.

There will be a Mid-Cycle Review of the officer's performance during the first three months of each appraisal period.

- (a) For the appraisal period January thru June, the Mid-Cycle Review will occur between March 15 and March 31.
- (b) For the appraisal period July thru December, the Mid-Cycle Review will occur between September 15 and September 30.

Those employees who are required to successfully complete a probationary period should be evaluated monthly.

For all promotions to Corporal or higher, a 90 day and 180 day Probationary Evaluation forms shall be completed beginning with the effective date of the promotion and continuing for a period of six months. Newly promoted Corporals or higher shall also receive their traditional Appraisal Report during this interim period.

#### **1001.6 APPRAISAL INTERVIEW**

When the supervisor has completed the appraisal, a private discussion of the appraisal should be scheduled with the employee. The supervisor should discuss the appraisal ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the appraisal. The reason for such adjustments shall be documented.

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Employees may write comments in an identified section of the appraisal. The supervisor and employee will sign and date the appraisal.

After the review and discussion with the supervisor, should the officer disagree with the Observation or Appraisal Report, then they shall note their disagreement in the comments section of the report and sign the report. Their signature does not reflect agreement with the report; it only signifies that they have received the report. Failure to follow this requirement will result in loss of appeal rights to the NCOAS Appeals Board.

If there remain any unresolved issues with the Observation or Appraisal report that the officer and supervisor cannot agree on, then the reviewing commander shall determine if the appraisal is valid.

The completed Appraisal Report will then be signed and forwarded to NRP Personnel Section.

#### **1001.7 APPEAL**

An employee who disagrees with his/her appraisal may provide a formal written response that will be attached to the appraisal, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the evaluating supervisor's Commander. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

#### **1001.8 CHAIN OF REVIEW**

The signed performance appraisal and any employee attachment should be forwarded to the evaluating supervisor's Commander. The Commander shall review the appraisal for fairness, impartiality, uniformity and consistency, and shall consider any written response or appeal made by the employee.

The Commander or the authorized designee should evaluate the supervisor on the quality of ratings given.

The completed Appraisal Report will be forwarded, via the chain of command, to the NRP Personnel Section.

#### **1001.9 RETENTION AND DISTRIBUTION**

The original performance appraisal and any original correspondence related to an appeal shall be maintained by the Agency in accordance with the Personnel Records Policy.

A copy of the appraisal and any documentation of a related appeal shall be provided to the employee and also forwarded to the NRP Personnel Section.

## Grievances

### 1003.1 PURPOSE AND SCOPE

The grievance process is governed by the Annotated Code of Maryland, State Personnel and Pensions System, Division I State Personnel, Title 12 Grievance Procedure in State Personnel Management System.

This policy is intended to provide employees with clarification and guidance regarding the Title 12 Grievance Procedures.

### 1003.2 POLICY

It is the policy of the Maryland Natural Resources Police to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint or retaliation against any employee who submits or is otherwise involved in a grievance.

### 1003.3 DEFINITIONS

Appointing Authority - Superintendent of the Maryland Natural Resources Police

Employer means:

- An employee's appointing authority,
- An employee's principal unit (DNR); or
- The Department of Budget and Management.

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- A personnel policy or regulation adopted by the Secretary of the Department of Budget and Management (DBM).
- Rules and regulations governing personnel practices or working conditions.
- This Policy Manual.
- Any other policy or regulation over which management has control.
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members.

Head of Principal Unit – Secretary of the Department of Natural Resources (DNR).

Immediate Supervisor – The person responsible for the daily supervision of the employee.

Secretary – Secretary of Department of Budget and Management

### 1003.4 GRIEVANCE EXCLUSIONS

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy.

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Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any agency employee that, if true, would constitute a violation of agency policy, federal, state, or local law, as set forth in the Personnel Complaints Policy.

Grievance does not include a dispute about:

- A pay grade or range for a class;
- The amount or the effective date of a statewide pay increase;
- The establishment of a class;
- The assignment of a class to a service category;
- The establishment of classification standards; or
- A mid-year performance appraisal; or
- An oral reprimand or counseling.

#### **1003.5 FILING ELIGIBILITY**

Grievances may be brought by an individual employee or by an employee group representative.

Under Title § 12-102, all employees, except for those that are specifically excluded, may file a grievance. Those employees specifically excluded from the Title include, but are not limited to:

- An employee who is appointed by the Governor whose appointment requires the Governor's approval;
- A temporary employee;
- An employee who is subject to a collective bargaining agreement that contains another grievance procedure.

#### **1003.6 REPRESENTATION**

##### **§ 12-105 Representation**

**For Grievant** - A grievant may choose any person to assist or represent the grievant at any time during the grievance process and shall notify the employer of that choice.

**For Employer** - The appointing authority, the head of the principal unit, or the Secretary may designate an individual to assist or represent them at any step of the grievance process and shall notify the grievant of that designation.

#### **1003.7 RIGHTS**

Under §12-103, an employee with a grievance or the grievant's representative may present the grievance free from coercion, discrimination, interference, reprisal, or restraint.

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#### **1003.8 PROCESS**

Unless another procedure is provided for, the grievance procedure of the State Personnel and Pensions Article, Division 1 State Personnel, Title 12 Grievance Procedures is the exclusive remedy through which a non-temporary employee in the State Personnel Management System may seek an administrative remedy for violations of the provisions of this article.

#### **1003.9 INFORMAL DISCUSSIONS - PRE-GRIEVANCE RESOLUTION PROCEDURES**

Per § 12-109, the employee will attempt to resolve the issue through informal discussion at the lowest level possible, e.g. their immediate supervisor.

Per § 12-202 before initiating the grievance procedure, the employee shall present the matter orally to their immediate supervisor for informal discussion.

##### **1003.9.1 IMMEDIATE SUPERVISOR RESPONSIBILITIES**

The immediate supervisor shall conduct the informal discussion with the employee as soon as practicable, but not more than 24 hours following the employee's request.

The immediate supervisor must provide the employee with a decision on a resolution of the dispute within 24 hours of the discussion with the employee.

##### **1003.9.2 COMMANDER RESPONSIBILITIES**

If the employee's immediate supervisor is not available to respond, or schedule the meeting, in the time frames provided, the next supervisor in the employee's chain of command shall assume the responsibilities

#### **1003.10 FILING OF THE GRIEVANCE WITH THE SUPERINTENDENT**

If the issue cannot be resolved informally, the employee may, within 20 calendar days after the alleged cause of the complaint, or after the employee reasonably became aware of the alleged cause of the complaint, file a grievance under Title 12 of the State Personnel and Pensions Article, Annotated Code, or an alternative process authorized in their collective bargaining agreement.

An employee shall utilize the DBM/ERD-1 State Personnel Management System Appeal and Grievance form to file their grievance. The form can be found in the state employee section of the DBM website.

An employee who initiates a grievance proceeding shall submit the DBM/ERD-1 form to the Superintendent via email and shall also email a copy of the grievance to their immediate supervisor when the grievance is filed.

##### **1003.10.1 RESPONSIBILITIES OF THE SUPERINTENDENT**

Within 10 days after receiving a grievance, the Superintendent, or their designee, shall hold a conference with the employee and they shall attempt to resolve the grievance.

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Within 10 days after the conference, the Superintendent shall issue a written decision to the employee and may grant any appropriate remedy under § 12-402(a).

#### **1003.11 APPEAL TO THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES**

Within 10 days after receiving the Superintendent's decision, the employee or the employee's representative may initiate Step Two by appealing the decision in writing to the Secretary of the Department of Natural Resources. The appeal must be accompanied by a copy of the decision being appealed.

##### **1003.11.1 RESPONSIBILITIES OF THE SECRETARY**

Within 10 days after receiving an appeal, the Secretary of the Department of Natural Resources or designee shall:

- Review the grievance record; and
- Confer with the employee and attempt to resolve the grievance.
- Within 10 days after the conference, the Secretary of the Department of Natural Resources shall issue a written decision to the employee and may grant any appropriate remedy under § 12-402(a).

#### **1003.12 APPEAL TO THE SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT**

Within 10 days after receiving the decision of the Secretary of the Department of Natural Resources, the employee or the employee's representative may initiate Step Three by appealing the decision in writing to the Secretary of the Department of Budget and Management. the appeal must be accompanied by a copy of the decision being appealed.

##### **1003.12.1 RESPONSIBILITIES OF THE SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT**

Within 30 days after receiving an appeal, the Secretary of Budget and Management or their designee shall:

- Review the grievance record;
- If the grievance is based on a position reclassification, order an audit of the position if it has not been audited within the last year; and
- Take one of the following actions and give the parties written notice of that action.
  - If the Secretary of the Department of Budget and Management does not concur with the decision of the Secretary of the Department of Natural Resources, the Secretary of the Department of Budget and Management shall attempt to resolve the grievance with a settlement that is binding on all parties.

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- The Secretary of the Department of Budget and Management shall determine whether the Secretary of the Department of Natural Resources will accept a settlement.
- If the grievance is not settled, the Secretary of the Department of Budget and Management shall refer the grievance to the Office of Administrative Hearings.

#### **1003.13 DUTY OF THE OFFICE OF ADMINISTRATIVE HEARINGS**

The Office of Administrative Hearings shall dispose of the grievance or conduct a hearing on each grievance received from the Secretary of the Department of Budget and Management.

The Office of Administrative Hearings is bound by any regulation, declaratory ruling, prior adjudication, or other settled, preexisting policy, to the same extent as the Department of Budget and Management is or would have been bound if it were hearing the case.

The employee has the burden of proof by a preponderance of the evidence.

Within 45 days after the close of the hearing record, the Office of Administrative Hearings shall issue a written decision to the parties and may grant any appropriate remedy.

The decision of the Office of Administrative Hearings is the final administrative decision.

Any costs the Office of Administrative Hearings incurs for the appeal of a grievance shall be paid by the Department of Natural Resources.

#### **1003.14 RESOLUTION - TIMELINES**

Under § 12-106, if a grievant fails to appeal a decision to the next step, then the grievant is considered to have accepted the decision.

Under § 12-106, if the appointing authority fails to decide a grievance at any step, then it is considered a denial from which an appeal may be made.

Under § 12-107, the parties may agree to waive any time limitations specified.

#### **1003.15 REMEDIES AVAILABLE TO GRIEVANTS**

Available remedies are guided by § 12-402.

Except as provided in 1003.15.1, the remedies available to a grievant are limited to the restoration of the rights, pay, status, or benefits that the grievant otherwise would have had if the contested policy, procedure, or regulation had been applied appropriately as determined by the final decision-maker.

##### **1003.15.1 BACK PAY**

The Secretary of DNR or the Secretary of DBM:

- may order an appointing authority to grant back pay; and



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- on a finding that wages were withheld in violation of §§ 2-402 and 2-407 of this article, shall order the payment of damages in accordance with § 2-407(c) of this article.

#### **1003.16 STATE LAW ENFORCEMENT OFFICERS LABOR ALLIANCE (SLEOLA) MEMORANDUM OF UNDERSTANDING GRIEVANCE PROCESS**

This section refers specifically to disputes concerning the application or interpretation of the MOU between the State of Maryland and SLEOLA.

In conformance with the Memorandum of Understanding (MOU) between the Natural Resources Police (NRP) and the State Law Enforcement Officers' Labor Alliance (SLEOLA), NRP law enforcement officers may file a grievance regarding a dispute over the interpretation or application of the MOU.

Subject to any limitations of existing law, a complaint is defined as a dispute concerning the application or interpretation of the terms of the MOU. The provisions of this procedure shall be the only procedure for complaints concerning interpretation or application of the MOU. Disciplinary appeals or grievances otherwise appealable through procedures established by law or regulation are not subject to this procedure.

##### **1003.16.1 STEPS**

Complaints regarding the MOU shall be presented and adjusted in the following manner:

##### **Step One**

Within 15 days after the event giving rise to the complaint or within 15 days following the time when the employee should reasonably have known of its occurrence, the employee aggrieved and/or the Union representative shall discuss the dispute with the employee's immediate supervisor. The Supervisor shall attempt to adjust the matter and respond orally to the employee and/or the Union representative within three (3) days.

##### **Step Two**

If the dispute has not been settled at step one, a written complaint may be filed and presented to the employee's appointing authority and/or designee within seven days after receiving the step one response. A Union representative must sign the complaint. The appointing authority or designee shall meet with the employee and the employee's Union representative and render a decision in writing no later than twenty (20) days after receiving the complaint.

##### **Step Three**

If the complaint has not been settled at step two, a written complaint may be filed with the Head of the Principal unit within seven days after receipt of the answer at step two. The Head of the Principal unit or designated representative shall meet with the employee and the Union representative and render a written decision

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within twenty (20) days after receiving the written appeal. When the appointing authority is also the Head of the Principal unit, this step shall be skipped and the step two decision shall be appealed directly to step four.

#### **Step Four**

If the dispute has not been settled at Step Three, SLEOLA's President, or designee, may file a written complaint with the Secretary of the Department of Budget and Management, or designee, within thirty (30) days of the Step Three response. If the Secretary, or designee, does not concur with the decision rendered at Step Three of the procedure, the Secretary, or designee, shall render a decision that is binding on the unit. If the Secretary, or designee, concurs with the Third Step decision, the Secretary, or designee, may refer the matter to fact-finding within thirty (30) days. The Union can appeal to fact-finding the decision of the Secretary, or designee, within thirty (30) days of the Secretary's, or designee's, decision.

#### 1003.16.2 FACT FINDING

When fact-finding is invoked, the Union and the Employer shall jointly request a list of seven (7) neutral fact-finders from the FMCS. The parties will meet within fifteen (15) days of receipt of the FMCS list to seek agreement on one of the listed fact-finders. This meeting may take place on the telephone. If the parties cannot agree on a fact-finder, the Employer and the Union will alternately strike one name from the list until a single name remains. A flip of the coin shall determine who shall strike the first name.

The fact-finder shall resolve all questions related to the procedure. Upon mutual agreement of the parties, threshold issues may be resolved prior to the parties proceeding with the substantive issues involved in the case. The cost of the fact-finder shall be shared equally by the parties.

If the Employer or the Union disagrees with the fact-finder's decision, an appeal may be filed with the State Labor Relations Board within thirty (30) days of receipt of the decision in accordance with the Board's regulations. Only the Union's President or the Governor's designated collective bargaining representative may appeal a fact-finder's decision.

#### 1003.16.3 GENERAL PROVISIONS

As used in this Article, "days" means calendar days. If the last day a response or action is due falls on a Saturday, Sunday, or State holiday, the deadline shall be extended to the next non-holiday weekday. All deadlines in this Article may be extended by mutual agreement. Time limits for the processing of complaints are intended to expedite dispute resolution and, if not extended, must be strictly observed. If the matter in dispute is not resolved within the time period provided for in any step, the next step may then be invoked. If the employee or Union fails to pursue any step within the time limits provided, he/she shall have no further right to continue to seek resolution of that dispute.

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Failure by management to provide a response in the time required shall be deemed a denial of the complaint. A failure to appeal such denial within ten (10) calendar days of the date a response was due shall constitute a withdrawal of the complaint except that the Union shall have thirty (30) days from the date the response was due to invoke step four. The Employer shall ensure that its supervisors and representatives do not repeatedly fail to respond to complaints in a timely manner and shall also ensure that its designees are authorized to settle matters subject to the complaint.

If a dispute arises from the action of an authority higher than the immediate supervisor, such dispute may be initiated at the appropriate step of this procedure.

Each agency shall provide the Union with a list (including telephone number, fax number, and mailing address) of its appointing authorities and Heads of Principal units (or designees).

Only designated Union representatives may represent employees or file appeals under this procedure. For purposes of this Article, stewards, Union staff, and Union officers shall be considered designated Union representatives. The Union will provide a list of the names of the aforementioned (to include telephone numbers, fax numbers, and mailing addresses) to the Executive Director of the Office of Personnel Services and Benefits. An employee's complaint must be signed by a Union representative of SLEOLA.

Stewards and Union representatives referred to in this procedure shall be granted reasonable time off with pay to process grievances pursuant to this Article during working hours. Meetings scheduled pursuant to this Article shall be scheduled at a mutually agreeable time during the regular working hours of the Union representative and Employer representative, if possible, but such meetings may be waived by mutual agreement. If the Union and Employer representative do not work on an overlapping schedule, the meeting shall be scheduled during regular day shift hours and, upon request of the Union representative, his/her schedule shall be adjusted if it is consistent with operational needs of the agency. There shall be no overtime or compensatory time earned for the processing of a complaint or attendance at a meeting under this Article.

A written complaint shall state the issues including a citation to the relevant portion of the MOU allegedly being violated.

Each party shall make every effort to resolve a dispute at the lowest level possible.

#### **1003.17 WEAPONS AT OFFICE OF ADMINISTRATIVE HEARINGS (OAH) FACILITY**

The Maryland Office of Administrative Hearings (OAH) does not permit weapons in any of its hearing facilities. Individuals who legally possess the right to wear and carry firearms will be directed to secure the weapon in his/her vehicle prior to entering an OAH facility.

Exceptions to OAH's weapons policy will be for the following circumstances:

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- (a) An NRP police officer in uniform, acting in his/her official capacity, who has been summoned to appear as a witness for a hearing at the OAH and/or who is on official duty and representing the Agency in an Administrative Hearing.
- (b) An NRP police officer not in uniform, who is acting in his/her official capacity as a representative of the Agency in a hearing, will display his/her badge of authority and conform to the Agency's policy on the wearing and carrying of firearms.

#### **1003.18 GRIEVANCE RECORDS**

**At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the DNR Human Resources for inclusion into a secure file for all written grievances.**

**Copies of the documents should also be sent to the Office of the Superintendent where they will be entered into a log and stored in a file.**

#### **1003.19 POLICY OR TRAINING IMPLICATIONS**

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change or an immediate training need, the employee should promptly notify the Superintendent in a memorandum.

## Anti-Retaliation

### 1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement or memorandum of understanding.

### 1004.2 POLICY

The Maryland Natural Resources Police has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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#### **1004.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, commander staff member, Superintendent or the NRP HR Supervisor, or DNR HR.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

#### **1004.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Superintendent via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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#### **1004.6 COMMANDER RESPONSIBILITIES**

Commanders should communicate to all supervisors the prohibition against retaliation.

Commanders shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

#### **1004.7 WHISTLE-BLOWING**

State law protects officers from discrimination or other negative consequences for disclosing gross mismanagement, waste, substantial dangers or law violations (Md. Code PS § 3-103).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to any supervisor, commander, Superintendent, the NRP HR Supervisor, or DNR HR.

#### **1004.8 RECORDS RETENTION AND RELEASE**

The Internal Affairs Commander shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules, the Black Officers Association (BOA)/DNR Consent Decree and applicable state laws.

#### **1004.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

# Reporting of Arrests, Convictions and Court Orders

## 1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Maryland Natural Resources Police. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

## 1005.2 POLICY

The Maryland Natural Resources Police requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Agency.

## 1005.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Maryland law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Md. Code PS § 5-133).

All members and retired officers with identification cards issued by the Agency are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1005.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

COMAR 12.04.01.04 prohibits any individual who is ineligible under federal or Maryland law to possess or use a handgun from receiving or maintaining an officer certification through the Maryland Police Training and Standards Commission (MPTSC). Additionally, Md. Code PS § 3-107 and Md. Code PS § 3-212 require the termination and decertification of an officer who is convicted of a felony, perjury, or other misdemeanor related to truthfulness.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this agency may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

## 1005.5 REPORTING

All members shall immediately notify their supervisors of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or on appeal, and regardless of the penalty or sentence, if any.



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### *Reporting of Arrests, Convictions and Court Orders*

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All members shall immediately notify their supervisors if they become the subject of a domestic violence-related order or any court order that prevents the member from possessing a firearm or requires suspension or revocation of applicable MPTSC certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing the member's duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination.

Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and at the member's own expense.

Any member failing to provide prompt notice pursuant to this policy shall be subject to discipline, up to and including termination.

#### 1005.5.1 NOTIFICATION REQUIREMENTS

Upon notification that an officer has been subject to a criminal arrest, conviction or court order that restricts the officer from possessing a firearm or requires suspension or revocation of applicable MPTSC certification, the Area/Unit Commander will notify the Training and Supply Division Commander within 24 hours.

The Agency shall report arrests or convictions to the MPTSC for possible suspension and revocation of any applicable certification (Md. Code PS § 3-212).

## Drug- and Alcohol-Free Workplace

### 1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding controlled dangerous substances (CDS) and alcohol in the workplace (41 USC § 8103).

### 1006.2 POLICY

It is the policy of the Maryland Natural Resources Police to provide a drug and alcohol-free workplace for all members.

Members of the Maryland Natural Resources Police are also responsible for complying with the State Substance Abuse Policy.

### 1006.3 GENERAL GUIDELINES

Alcohol and CDS use in the workplace or on agency time can endanger the health and safety of agency members and the public.

Members who have consumed alcohol, taken medication, or both, in an amount that would adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the appropriate supervisor as soon as they become aware that they will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to their immediate supervisor or duty officer prior to beginning their shift.

#### 1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

### 1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using CDS or alcohol on agency premises or on agency time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance (members engaged in training for alcohol enforcement are excluded).

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to CDS, medication or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1006.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and CDS problems (41 USC § 8103). Insurance coverage that provides treatment for CDS and alcohol abuse also may be available. Employees should contact the NRP Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or CDS problems lead to performance problems.

#### **1006.6 WORK RESTRICTIONS**

If a member is on-duty informs a supervisor that he/she has consumed any alcohol, CDS or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol, CDS or medication, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Agency.

#### **1006.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any the following circumstances (Md. Code HG § 17-214(h)):

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or CDS.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Agency while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

An officer who is under investigation may be ordered to submit to a blood alcohol test and/or a blood, breath, or urine test for CDS when the testing specifically relates to the investigation (Md. Code PS § 3-107).

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#### 1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing using the Form NRP-835 of the following:

- (a) The test shall be given to detect either alcohol or CDS, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

#### 1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test (Md. Code PS § 3-107).
- (b) After taking a screening test that indicates the presence of a CDS, fails to provide proof, within forty-eight (48) hours after being requested, that the employee took the CDS as directed, pursuant to a current and lawful prescription issued in the employee's name.
- (c) Medical marijuana/cannabis cards are not acceptable, valid or recognized by the Agency.
- (d) With the exception of employees acting within the scope of their official duties, employees on-duty or off-duty, shall not use, possess or cultivate any amount of cannabis. Cannabis is also prohibited in NRP vehicles and by employees on NRP property.
- (e) Sensitive positions and sensitive classifications shall continue to be subject to random drug testing as outlined in policy and procedure, and in accordance with the Department of Budget and Management guidelines.

#### 1006.7.3 TESTING REQUIREMENTS

The provisions of a collective bargaining agreement that cover preliminary drug testing of a job applicant preempt conflicting portions of this policy (Md. Code HG § 17-214(l)).

When an employee is required to be tested for job-related reasons for the use or abuse of any CDS or alcohol, this agency shall:

- (a) When using a single-use test device, collect, handle, store and ship each specimen in a manner that maintains the employee donor's identity and confidentiality, the physical integrity of the specimen and precludes contamination of the specimen (Md. Code HG § 17-214(d)(1)).
- (b) Maintain a written record of the chain of custody of each specimen from the time that the specimen is collected until the time that the specimen is no longer needed for retesting (Md. Code HG § 17-214(d)(2)).

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- (c) Have the specimen tested by a laboratory that is certified or otherwise approved and at the time of testing provide the name and address of the laboratory, if requested by the employee (Md. Code HG § 17-214(b)(1)).
- (d) Upon notice from the laboratory that an employee has tested positive, deliver to the employee by certified mail or in person and within 30 days from the date the test was performed (Md. Code HG § 17-214(c)(1)):
  - 1. A copy of the laboratory test indicating the test results.
  - 2. A copy of this policy.
  - 3. If applicable, written notice of intent to take disciplinary action, terminate employment or change the conditions of continued employment.
  - 4. A statement or copy of the provisions set forth in Md. Code HG § 17-214(e) which permits the employee to request independent testing of the same sample for verification of the test result.

#### 1006.7.4 DISCLOSURE OF INFORMATION

Information that may not be disclosed to the Agency includes (Md. Code HG § 17-214(i)(1)):

- (a) The use of a nonprescription drug, excluding alcohol, that is not prohibited under state law.
- (b) The use of a medically prescribed drug, unless the employee being tested is unable to establish that the drug was medically prescribed for the employee in accordance with state law.

The prohibitions against disclosure of information do not apply to the extent that they prevent a person from complying with the applicable provisions of the federal Commercial Motor Vehicle Safety Act of 1986 and the federal Motor Carrier Safety Regulations (Md. Code HG § 17-214(i)(2)).

The results of a mandatory test are not admissible or discoverable in a criminal proceeding against an officer (Md. Code PS § 3-107).

#### 1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than thirty (30) days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Agency shall take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### 1006.9 CONFIDENTIALITY

The Agency recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

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### *Drug- and Alcohol-Free Workplace*

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The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's medical file in accordance with the Personnel Records Policy.

## Sick Leave

### 1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees is detailed in the State personnel manual or applicable collective bargaining agreement or memorandum of understanding.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) or the Maryland Flexible Leave Act (Md. Code LE § 3-802).

For additional information regarding sick leave see [https://dbm.maryland.gov/employees/Pages/Leave\\_home.aspx](https://dbm.maryland.gov/employees/Pages/Leave_home.aspx)

### 1007.2 POLICY

It is the policy of the Maryland Natural Resources Police to provide eligible employees with a sick leave benefit.

### 1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or required documentation.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1007.3.1 NOTIFICATION

All employees should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work and when feasible/possible this should be no less than two hours before the start of their scheduled shifts. The supervisor will then update the on-line schedule prior to the start of that employees shift. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned surgery or childbirth, the employee should, whenever possible and practicable, provide the Agency with no less than 30-days' notice of the impending absence.

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### *Sick Leave*

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Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for submitting the required documentation describing the type of time off used and the specific amount of time taken, if applicable.

#### **1007.4 EXTENDED ABSENCE**

Members absent from duty for five or more consecutive days may be required to furnish a signed medical professional's note supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall provide the NRP Human Resources unit with an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of less than five days if the employee has maintained a zero or near zero balance of sick leave without documentations or has six or more occurrences of undocumented sick leave within a 12 month period.

#### **1007.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Ensuring the online schedule has been updated.
- (c) Attempting to determine whether an absence of five or more days may qualify as family medical leave and consulting with NRP Human Resources as appropriate.
- (d) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
  - 2. Negatively affected agency operations.
- (e) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (f) Referring eligible members to an available employee assistance program when appropriate.



## Communicable Diseases

### 1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of agency members contracting and/or spreading communicable diseases.

#### 1008.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (i.e., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Maryland Natural Resources Police. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

### 1008.2 POLICY

The Maryland Natural Resources Police is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

### 1008.3 AGENCY HEALTH AND SAFETY OFFICER

The Agency Health and Safety Officer, in consultation with an appropriate medical professional (e.g., Maryland State Police Medical Director), shall be responsible for the development and maintenance of an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that agency members will have no-cost access to the personal protective equipment (PPE) (i.e., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - 1. Communicable disease prevention (Md. Code HG § 18-102).

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2. Responding to a notification that an officer has been exposed to a contagious disease or virus (Md. Code HG § 18-213; Md. Code HG § 18-213.2; COMAR 10.35.01.17).
  3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
  4. HIV testing ordered by an infectious disease/communicable disease officer of a hospital (Md. Code HG § 18-338.3; COMAR 10.18.08.12).
  5. Bloodborne pathogen standards in 29 CFR 1910.1030 (Md. Code LE § 5-308.1).
- (f) Providing protection and testing during a catastrophic health emergency as required by the Maryland Essential Workers' Protection Act (Md. Code LE § 3-1601 et seq.).

The Health and Safety Officer should also act as the liaison with Maryland Occupational Safety and Health (MOSH) and may request voluntary compliance inspections. The Health and Safety Officer should periodically review and update the exposure control plan and review implementation of the plan.

#### **1008.4 EXPOSURE PREVENTION AND MITIGATION**

##### **1008.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, and other specialized equipment in the work area or agency vehicle, as applicable.
- (b) Wearing agency-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.
  1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

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- (i) Avoiding eating, drinking, or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

### **1008.5 POST EXPOSURE**

#### 1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.
- (d) Obtain an incident number and complete the First Report of Injury form (NRP-448E).
- (e) Document all possible exposure incidents via the RMS Exposure Form.

#### 1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

- (a) Name of the member exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE available and PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., cleanup, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the Exposure Report (NRP-499 ) and ensure all related first report of injury reports are completed (NRP-448 forms) in conjunction with other reporting requirements that may apply (see the Work-Related Injury and Illness Reporting and Workplace Safety and Health policies).

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The supervisor shall ensure the Agency Safety and Health Officer is notified of the incident as soon as possible and immediately sent a copy of all appropriate reports.

#### 1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Agency members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary. The Health and Safety Officer should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the Health and Safety Officer.

#### 1008.5.4 COUNSELING

The Agency shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

#### 1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the Health and Safety Officer. If the Health and Safety Officer is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Seeking testing through the procedures in the Md. Code HG § 18-338.3 and COMAR 10.18.08.12.
- (c) Seeking testing through the procedures in Md. Code CP § 11-107 et. seq. and COMAR 10.52.10.01 et seq.

Since there is the potential for overlap between the different manners in which source testing may occur, the Health and Safety Officer is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The Health and Safety Officer should seek the consent of the individual for testing and consult the DNR Attorney General's Office to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

# Maryland Natural Resources Police

## Policy Manual

### *Communicable Diseases*

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#### **1008.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1008.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

## Smoking and Tobacco Use

<b>Effective Date:</b>	10/09/21
<b>Revised Date:</b>	REVIEWED--06/21/24
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--07/01/25

### 1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members while in Maryland Natural Resources Police facilities, vessels or vehicles.

For the purpose of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### 1009.2 POLICY

The Maryland Natural Resources Police recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Agency and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all agency facilities, buildings, vessels and vehicles, and as further outlined in this policy (Md. Code HG § 24-504; COMAR 04.05.01.03F).

### 1009.3 SMOKING AND TOBACCO USE

Except in designated smoking areas, smoking and tobacco use by members is prohibited any time members are in public view representing the Maryland Natural Resources Police.

It shall be the responsibility of each member to ensure that no person under their supervision smokes or uses any tobacco product, including electronic cigarettes, inside State facilities, vessels or vehicles.

The Public Safety Education and Training Center in Sykesville which houses the entry level academy and various in-service programs is a tobacco free campus. Smoking and tobacco use are prohibited anywhere on campus.

### 1009.4 ADDITIONAL PROHIBITIONS

A "NO SMOKING" sign that conforms to the requirements of COMAR 10.19.04.06E shall be conspicuously displayed at every public entrance to an indoor area that is open to the public and at every public entrance to an indoor area that is open to the public where smoking is prohibited (COMAR 10.19.04.06).

A sign stating "Smoking in This Elevator Is Illegal and Subject to a Penalty Not to Exceed \$25.00" shall be posted in any elevator that is available to the public (Md. Code HG § 24-212(a)).

## Personnel Complaints

<b>Effective Date:</b>	01/11/22
<b>Revised Date:</b>	REVIEWED--07/27/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--08/01/24

### 1010.1 PURPOSE AND SCOPE

To establish the reporting, investigation, and disposition requirements for complaints regarding the conduct of NRP officers. This policy shall not apply to questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of personnel in the normal course of duty by a supervisor or other officer, nor shall this policy apply to a criminal investigation. The investigation and disposition of complaints regarding the conduct of civilian NRP personnel shall be completed in accordance with Title 11 of the State Personnel and Pensions Article and associated regulations and policies.

### 1010.2 POLICY

The policy applies to all police officer misconduct alleged to have occurred on or after July 1, 2022. Complaints received for misconduct that occurred prior to July 1, 2022, will be handled in accordance with the law, policy, and procedure in effect on June 30, 2022.

All NRP personnel will accept and appropriately forward any complaint against an NRP officer to that officer's supervisor, including inquiries and anonymous and third-party complaints (to the extent that sufficient information is provided), in a fair and timely manner, consistent with the law, policy, and procedure.

It is the policy of the NRP to ensure that the community can report misconduct without concern for reprisal or retaliation.

When a complaint is forwarded to the supervisor of an accused NRP officer, the supervisor will document the complaint in Blue Team. See Procedure 1003 (Personnel Complaints) and the Blue Team manual (posted on the Agency internal drive in the file "BlueTeam IAPro Info") for instructions.

The Internal Affairs Unit (IAU) ensures that all complaints of misconduct are documented, investigated, and properly processed through any disciplinary action taken, to ensure that the Agency's mission is achieved, and its values are upheld.

The IAU is the central repository for all records of administrative action taken against NRP officers. IAPro is the database which the IAU will utilize to achieve this for records from July 1, 2022, forward.

The IAU Commander serves as the Agency victims' rights advocate and will carry out those duties under Procedure 1003, as set forth by Md. Code Ann., Pub. Safety 3-108.

# Maryland Natural Resources Police

## Policy Manual

### *Personnel Complaints*

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#### **1010.3 DEFINITIONS**

**Administrative Charging Committee (ACC)** - a statewide committee responsible for making a determination of the disciplinary action to be taken for all complaints of police misconduct involving a member of the public and a police officer, regardless of whether the complaint originated from within NRP or from an external source. The Committee is composed of five members: three civilian members appointed by the Governor, one civilian member appointed by the President of the Senate, and one civilian member appointed by the Speaker of the House.

**Blue Team** - a web-based application enabling users to document and monitor incidents including, but not limited to: external complaints, internal complaints, inquiries, firearm discharges, use of force incidents, show of force incidents, vehicle/vessel pursuits, and vehicle/vessel accidents.

**Inquiry** - A request for information from the public regarding the conduct of an NRP officer that, if proven, would not constitute a violation of the law, policy, or procedure. Although inquiries are not complaints, they may initially come to the attention of the Agency as a complaint (i.e. initial categorization as a complaint CAD, submission on a public complaint form, etc.). Inquiries shall be classified as such when, upon follow-up with the complainant, the intaking supervisor determines that no law, policy, or procedure was violated, and the complainant understands that his/her inquiry is not being filed as a complaint and will not be subject to the complaint review process set forth in Md. Code Ann., Pub. Safety 3-101 et seq. Inquiries may include clarification regarding policy, procedure, or an officer's response to a specific incident. Inquiries may also include instances of difference of opinion between an officer and a citizen over the issuance of a citation or an arrest, unless the complainant reports misconduct (i.e. improper demeanor, use of force, etc.).

**Internal Complaint** - An allegation against an NRP officer not involving a member of the public, that, if proven, would constitute a violation of law, policy, or procedure. Internal complaints are generally not bound by the complaint review process set forth in Md. Code Ann., Pub. Safety 3-101 et seq. If there is any uncertainty, the determination as to whether an allegation **involves the public** will be made by the IAU Commander, in consultation with the Special Services Bureau Chief and the Office of the Attorney General.

**External Complaint** - An allegation against an NRP officer involving a member of the public that, if proven, would constitute a violation of the law, policy, or procedure. External complaints are bound by the complaint review process set forth in Md. Code Ann., Pub. Safety 3-101 et seq. Differences of opinion over enforcement actions are not complaints unless the allegation involves misconduct.

**Police Misconduct** - A pattern, a practice, or conduct by a police officer or law enforcement agency that includes depriving persons of rights protected by the constitution or laws of the State or United States, a violation of a criminal statute, and/or a violation of law enforcement agency standards and policies.

**Representative** - An attorney or any other representative that the accused officer chooses.

#### **1010.4 REFERENCES**

Md. Code Ann., Pub. Safety 3-101 et seq.

COMAR 12.04.09



# Maryland Natural Resources Police

## Policy Manual

### *Personnel Complaints*

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#### Maryland Police Training and Standards Commission (MPTSC) Uniform Complaint Process

## Seat Belts

<b>Effective Date:</b>	09/15/21
<b>Revised Date:</b>	REVIEWED--06/21/24
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--07/01/25

### 1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in agency vehicles.

#### 1011.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Md. Code TR § 22-412.2).

### 1011.2 POLICY

It is the policy of the Maryland Natural Resources Police that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

### 1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this agency while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Agency, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the agency member or the public. Members must be prepared to justify any deviation from this requirement.

### 1011.4 TRANSPORTING CHILDREN

Child passengers under the age of 12 shall be transported in the rear seat.

Child passengers under 8 years old and under 4 feet 9 inches tall shall be transported using an approved child restraint system in compliance with Md. Code TR § 22-412.2(d).

Child passengers under 16 years old shall be transported in an approved child restraint system or with a seat belt in compliance with Md. Code TR § 22-412.2(e).

A child safety seat or seat belt may not be used to restrain, seat or position more than one individual at a time (Md. Code TR § 22-412.2(g)).

# Maryland Natural Resources Police

## Policy Manual

### *Seat Belts*

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#### **1011.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES**

Suspects, prisoners and arrestees should be in a seated position and secured in the right front seat.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

#### **1011.6 INOPERABLE SEAT BELTS**

Agency vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Agency vehicle seat belts shall not be modified, removed, deactivated or altered in any way.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

#### **1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

#### **1011.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1012.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper issuance, use, care and maintenance of body armor.

### 1012.2 POLICY

It is the policy of the Maryland Natural Resources Police to maximize officer safety through the use of body armor, in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1012.3 ISSUANCE

The Support Services Bureau Commander shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the U.S. Department of Justice, National Institute of Justice.

Body armor shall be issued when an officer begins service at the Maryland Natural Resources Police and shall be replaced when it becomes worn or damaged to the point that its effectiveness or functionality has been compromised, or as recommended by the manufacturer.

The Superintendent may authorize issuance of body armor to uniformed, civilian members whose jobs may make wearing of body armor advisable.

#### 1012.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) All uniformed personnel working in field or patrol functions, from the rank of sergeant and below shall wear their issued body armor while on patrol; ballistic vests can be removed while in an NRP facility or conducting maintenance or other non-patrol related functions.
- (b) Members shall only wear agency-approved body armor and carrier.
- (c) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.
- (d) Members shall wear body armor when taking part in agency range training.
- (e) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (f) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work.
- (g) An officer can submit a request for exemption from this policy. The request must be accompanied by medical documentation signed by a physician, including prognosis and the estimated duration of the exemption. Exemptions require approval from the Superintendent. If the exemption is denied, the Superintendent will provide written justification to the officer within seven business days.

# Maryland Natural Resources Police

## Policy Manual

### *Body Armor*

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#### 1012.3.2 INSPECTION

Supervisors should ensure through routine observation that body armor is worn and maintained in accordance with this policy.

Supervisors will conduct body armor inspections as part of their completion of the NRP 406 Personal Inventory & Inspection Report. All deficiency's (ex: signs of damage, wear, and tear, rips, etc) should be noted and reported to the quartermaster

#### 1012.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

- (a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.
  - 1. Unserviceable body armor shall be reported to the supervisor.
- (b) Members are responsible for the proper storage of their body armor.
  - 1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
  - 1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
  - 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

#### 1012.4 EXTERNAL CARRIERS

The Agency issues two styles of external carriers for body armor.

The purchase of external carriers that are not issued is the sole responsibility of the officer and may be purchased from the vendor of the officers choosing. The agency will not facilitate the purchase.

The black quilted carrier was issued to commissioned officers and may be worn over the Class B, uniform shirt. Once the commissioned officer receives the silver tan uniform carrier, the wear of the black carrier is no longer approved.

##### 1012.4.1 POINT BLANK GUARDIAN TACTICAL CARRIER (GD2 MOD3)

The Point Blank GD2 MOD 3 Guardian Tactical Carrier (OD Green) is issued to non-commissioned officers assigned to non-administrative roles and shall be worn only with the Class C uniform.

# Maryland Natural Resources Police

## Policy Manual

### *Body Armor*

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Officers not issued this carrier may purchase and wear it in compliance with all other relevant policies.

The subdued embroidered badge (left breast) and subdued embroidered name tape (right breast) shall be provided by the department and will be appropriately displayed on the Point Blank GD2 MOD 3 Guardian Tactical Carrier (OD Green).

Only the agency-issued handcuff pouch, small utility pouch, radio pouch, and CAT tourniquet holder are authorized for wear on the tactical carrier.

No other items shall be worn on the tactical carrier.

This carrier will not be worn to court or on other occasions when an officer is expected to present more than a casual appearance.

#### **1012.4.2 POINT BLANK UNIFORM CARRIER (GD 2 MOD 11)**

The Point Blank Uniform (GD 2 MOD 11) in silver tan is issued to commissioned officers in administrative roles and non-commissioned officers assigned to administrative roles. It may be worn over the Class B shirt. Officers not issued this carrier may purchase and wear it in compliance with all other relevant policies.

#### **1012.5 RIFLE PLATED VEST**

When officers feel that the Agency issued soft body armor does not provide the level of protection needed for a given situation, i.e. high risk warrant, rifle hunting areas, etc., officers may wear an agency approved rifle plated vest in lieu of their Agency issued vest.

At their own expense officers may purchase and wear an agency approved standard rifle plated vest.

Agency approved vests is limited to the Spartan Armor/Condor MOPC Plate Carrier and the Spartan Omega AR500 Body Armor Platform in the color of Spartan Green.

Agency approved plates include any NIJ Level III plate. Steel-based plates should not be used.

The rifle plated vest and carrier shall only be worn with the Class C uniform.

The subdued embroidered badge and subdued embroidered name tape shall be appropriately displayed on the carrier.

The following four accessories are approved for wear on the external carrier.

- Point Blank handcuff pouch – OD Green.
- Point Blank small utility pouch - OD Green.
- Point Blank radio pouch – OD Green
- CAT tourniquet carrier – black in color

At no time will officers insert body armor into an external carrier for which it has not been approved. It is the sole responsibility of the individual officer to maintain all personally purchased armor and vests in working and presentable condition.

# Maryland Natural Resources Police

## Policy Manual

### *Body Armor*

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Supervisors have the discretion to order an officer to remove the personally purchased carrier in favor of an Agency issued vest if the rifle plate carrier is in a state of disrepair, is not clean and neat, or fails to display the required name tag and badge.

#### **1012.6 LEAD FIREARMS INSTRUCTOR RESPONSIBILITIES**

The responsibilities of the Lead Firearms Instructor, in consultation with the Firearms Committee and Uniform Committee include, but are not limited to:

- (a) Monitoring technological advances in the body armor industry for any appropriate changes to agency-approved body armor.
- (b) Assessing the current level of weapons and ammunition utilized by the public and the suitability of approved body armor to protect against those threats.
- (c) Educating officers about the safety benefits of wearing body armor.

## Personnel Records

### 1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 1013.2 POLICY

It is the policy of this agency to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Maryland.

### 1013.3 DNR PERSONNEL FILE

DNR HR shall maintain each employee's official personnel file, as a record of a person's employment/appointment with this agency. The DNR HR Personnel file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Records of disciplinary actions including letters of reprimand, non-disciplinary personnel counseling, and memorandums from NRP regarding loss of leave or other punishment resulting from administrative investigations.
- (e) Commendations and awards.
- (f) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- (g) Only information required to accomplish a necessary governmental purpose shall be kept on a member (Md. Code GP § 4-102).

### 1013.4 NRP PERSONNEL FILE

The agency file shall be maintained as a record of a person's employment/appointment with this agency. The agency file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations shall be maintained by NRP Personnel in accordance with established records retention schedules.



# Maryland Natural Resources Police

## Policy Manual

### *Personnel Records*

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- (e) Discipline records, including copies of outcomes of sustained personnel complaints.
- (f) Adverse comments, such as supervisor notes, may be retained in the file after the member has had the opportunity to read and initial the comment (Md Code PS §3-104(o)).
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
  - 2. Any member response shall be attached to and retained with the original adverse comment.
  - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- (h) Only information required to accomplish a necessary governmental purpose shall be kept on a member (Md. Code GP § 4-102).

#### **1013.5 SUPERVISOR'S FILE**

Supervisor files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The supervisor file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

#### **1013.6 TRAINING FILE**

An individual training file shall be maintained for each member by the Training and Recruitment Unit. Training files will contain records of all training, original or photocopies of available certificates, transcripts, diplomas and other documentation, education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing completion certificates of training/education completed outside of NRP to the Training and Recruitment Unit.
- (b) The Training Division Administrative Personnel shall ensure that copies of such training records are placed in the member's training file.

#### **1013.7 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Superintendent. Access to these files may only be approved by the Superintendent, Intelligence and Special Investigations Bureau Commander, or the Internal Affairs Unit Commander.

# Maryland Natural Resources Police

## Policy Manual

### *Personnel Records*

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These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's agency personnel file but will be maintained in the internal affairs file.

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

An officer may, upon written request, have a record of a formal complaint expunged from his/her DNR Personnel and Internal Affairs files if it meets the applicable requirements (Md. Code PS § 3-110) and in accordance with the Black Officers Association (BOA)/DNR Consent Decree. The Law Enforcement Officer's Bill of Rights (LEOBR) provides for the expungement of any record of formal complaint if the officer has been exonerated on all charges or if the charges are non-sustained or unfounded and three years have passed since the findings were rendered by the Department. Requests made under the provisions of this section shall be submitted in writing through the chain of command to the Commander of the Internal Affairs Unit.

In accordance with the 1995 Consent Decree, every February, "...the personnel and disciplinary files of all commissioned law enforcement NRP employees, regardless of rank, race, or gender, will be cleared of all notices of complaint, reprimands, and other records of disciplinary actions or proceedings which are more than five years old. This expungement shall not apply to records of the proceedings before a trial board conducted pursuant to the Law Enforcement Officers' Bill of Rights (LEOBR)."

#### **1013.8 MEDICAL FILE**

A medical file shall be maintained by the NRP Personnel Section separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or material that reveals the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

# Maryland Natural Resources Police

## Policy Manual

### *Personnel Records*

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#### **1013.9 SECURITY**

All personnel records, regardless of their location, should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures (Md. Code GP § 4-311).

Nothing in this policy is intended to preclude review of personnel records by the DNR Secretary, Attorney General or other attorneys or representatives of the State in connection with official business (Md. Code GP § 4-311).

##### **1013.9.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure, which result in access to a member's personnel records, shall be logged in the corresponding file.

##### **1013.9.2 RELEASE OF PERSONNEL INFORMATION**

The Agency may not release personal information about a member unless allowed by law, regulation, or order (Md. Code GP § 4-311; Md. Code GP § 4-401; Md. Code GP § 4-351).

The Agency may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

#### **1013.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files (Md. Code GP § 4-311).

Any member seeking the removal of any item from his/her personnel records shall file a written request to the Superintendent through the chain of command. The Agency shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Agency shall be retained with the contested item in the member's corresponding personnel record.

# Maryland Natural Resources Police

## Policy Manual

### *Personnel Records*

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Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Agency for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for agency planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Agency and the member that may be discovered in a judicial proceeding.

#### **1013.11 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule (Md. Code SG § 10-615) and in accordance with the Black Officers Association Consent Decree.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development.

## Request for Transfer

<b>Effective Date:</b>	
<b>Revised Date:</b>	01/22/25
<b>Issuing Authority:</b>	

### 1014.1 PURPOSE AND SCOPE

This policy establishes guidelines for agency members to request a transfer.

#### 1014.1.1 DEFINITIONS

**Transfer** - The request of an employee to be moved from Area/Unit/Division/Bureau to another Area/Unit/Division/Bureau.- COMAR 17.04.03.20

- (1) An employee may apply for transfer to a vacant position of the same classification or another classification of the same grade for which the employee meets minimum qualifications; or
- (2) An employee shall be considered among the eligible applicants for the vacancy if the employee complies with the provisions of {A (1) of the regulation, or when the employee qualifies as part of an approved Career Reinvestment Program as defined in COMAR 17.04.01.
- (3) An employee in the management and executive services and a special appointee may apply for transfer to other positions of the same grade in those service categories only.

### 1014.2 POLICY

It is the policy of the Maryland Natural Resources Police that all requests for change of assignment be considered in an equitable and nondiscriminatory manner. Transfers may be based on an officer's request.

### 1014.3 REQUEST FOR TRANSFER

Members may submit a request for a change of assignment by utilizing the online "[Request for Transfer Consideration Form](#)" maintained by the NRP Personnel Section. The link to the form is found on the NRP Headquarters website.

#### 1014.3.1 ELIGIBILITY

To be eligible for a transfer, the employee shall:

- (a) Meet the minimum qualifications for the vacant position within the appointing authority's jurisdiction.
- (b) Possess the same grade as the vacant position.

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

# Maryland Natural Resources Police

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### *Request for Transfer*

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#### 1014.3.2 TRANSFER REQUESTS

- A. A member at the rank of Lieutenant and below may submit a transfer Request ([Request for Transfer Consideration Form](#)) at any time.
- B. To submit a request:
  - 1. Go to the NRP Headquarters site and click the link entitled "[Request for Transfer Consideration Form](#)".
  - 2. Enter your first and last name, rank, ID number, county of residence and current assignment.
  - 3. From the dropdown options, enter your choices (up to 3 choices may be selected; 1st choice is a mandatory completion field). If you want to indicate that you have no transfer requests submitted, you may select "NONE" from the dropdown menu on your first choice.
- C. To ensure frequent consideration of transfer requests within Bureaus, Divisions, and Regions, the respective Bureau, Regional, or Divisional Commanders may meet quarterly to review the transfer request forms and make recommendations to the Transfer Review Board.
- D. Resumes, oral interviews or a fitness test may be used for positions within the Agency as needed and will be included in the announcement in advance.
- E. Before an existing vacancy or new position vacancy is filled, active requests for transfer may be considered based on the criteria established for the specific position.
- F. The Superintendent will make the final determination regarding whether to select a transfer candidate or to consider a promotional candidate.
- G. After notification of transfer, the transferred member shall report to their Commander on the effective date of the transfer. The Commander will determine and review with the member the member's new duties and responsibilities.
- H. Only your most recent form submission will be considered. Upon successful submission, you will receive an email confirmation. Please note that all entries are automatically time stamped by Google and that data will only be accessible by NRP Senior Command and NRP Human Resources Personnel.

#### 1014.3.3 WITHDRAWAL OF TRANSFER REQUESTS

To withdraw a request, simply complete the Request for Transfer Consideration Form and select "NONE" from the dropdown menu for your 1st choice.

### **1014.4 RESPONSIBILITIES**

#### 1014.4.1 TRANSFER REVIEW BOARD

The Transfer Review Board shall meet as needed to submit recommendations to the Superintendent regarding change of assignment requests.

The Transfer Review Board shall consist of the Bureau Commanders and the Director of the Administrative Services Bureau.

## Awards and Recognition

<b>Effective Date:</b>	01/04/24
<b>Revised Date:</b>	REVIEWED--06/11/24
<b>Issuing Authority:</b> COL/NEXT REVIEW BY 07/01/25	

### 1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Maryland Natural Resources Police and individuals from the community.

### 1015.2 POLICY

It is the policy of the Maryland Natural Resources Police to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

### 1015.3 AGENCY MEMBER DOCUMENTATION

Members of the Agency shall provide written documentation of meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
  - 1. For members of the Agency - name and assignment at the date and time of the act
  - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the act along with a copy of the report as appropriate.
- (c) Other information as required by the Awards Nomination Google form.

### 1015.4 PROCESSING DOCUMENTATION

Nominations for Agency awards shall be submitted to the NRP Awards Review Board via the Awards Nomination Google Form, following chain of command approval.

Anyone can recommend an employee, person, unit, or group for an award. Recommendations will be approved by the Regional/Divisional and Area/Unit Commanders.

### 1015.5 AWARDS

The Natural Resources Police annually recognizes and awards employees for outstanding performance. Various agencies and organizations also offer recognition awards for exceptional performance.

# Maryland Natural Resources Police

## Policy Manual

### *Awards and Recognition*

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Criteria for each award and the selection, presentation and display of any award are determined by the Superintendent. An appropriate venue or ceremony to acknowledge each award recipient should be arranged.

The award categories and associated awards presented are:

- (a) Officer of the Year Awards:
  - 1. NRP Officer of the Year
    - (a) Framed certificate on matte board, NRP license plate and ribbon
  - 2. Conservation Officer of the Year
    - (a) Framed certificate on matte board, NRP license plate and ribbon
  - 3. Boating Safety Officer of the Year
    - (a) Framed certificate on matte board, NRP license plate and ribbon
  - 4. Support Services/Special Services Officer of the Year
    - (a) Framed certificate on matte board, NRP license plate and ribbon
      - 1. This award is open to any sworn member assigned to any bureau other than Field Operations.
- (b) NRP Professional Employee of the Year
  - 1. Framed certificate on matte board, NRP license plate
  - 2. This award is open to any professional staff employed by or assigned to the Natural Resources Police.
- (c) Medal of Valor.
  - 1. Framed certificate on matte board, Medal of Valor, and ribbon
- (d) Award of Merit.
  - 1. Framed certificate on matte board and ribbon
- (e) Superintendent's Commendation
  - 1. Certificate in paper jacket and ribbon
- (f) Unit Citation
  - 1. Certificate in paper jacket and ribbon
- (g) Superintendent's Letter of Appreciation
  - 1. Certificate in paper jacket
- (h) Superintendent's Special Achievement Commendation
  - 1. Certificate in paper jacket
- (i) Outside Agency Awards
  - 1. ribbon, if approved by Awards Review Committee
- (j) Each certificate contains:



# Maryland Natural Resources Police

## Policy Manual

### *Awards and Recognition*

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1. the award type;
  2. the recipients name;
  3. a short summary of the incident that led to the award;
  4. on the lower left, a gold state seal with black and yellow ribbon, and
  5. on the lower right, the Superintendent's live signature.
- (k) Frames are ordered from:
1. Maryland Correctional Enterprises (MCE), Item# 111999C, and are the 11"x14" Polished Walnut Frames
- (l) Award Notification to Members of the Public/Allied Agency Members
1. For any member of the public, allied agency, etc receiving an award, a letter on agency letterhead should be sent to the person, outlining the incident, the fact that they are receiving an award (signed by the Superintendent), along with an invitation to the ceremony. If a member of an allied agency, the letter should be addressed to the agency head.

Agency license plates given as awards shall not be placed on any vehicle; they are for commendation only.

#### **1015.6 AWARDS FROM OTHER AGENCIES AND ORGANIZATIONS**

- (a) When an award nomination request from another agency or organization is received by the NRP, the NRP Awards Review Board shall forward the nomination request with a due date and all pertinent information to the appropriate Commander.
- (b) Commanders are responsible for ensuring that a nomination is submitted if there is an individual under their command that meets the nomination criteria.
- (c) Nominations shall be submitted through the chain of command to the NRP Awards Review Board by the designated due date. A copy will be given to the officer and a copy forwarded to the officer's personnel file.
- (d) The NRP Awards Review Board shall maintain a file by calendar year of all nomination requests received, nominees submitted to the Board.

#### **1015.7 AWARDS REVIEW BOARD**

The NRP Awards Review Board shall meet annually to review all award nominations and make recommendations of worthy candidates for final consideration by the Superintendent. The NRP Awards Review Board shall be chaired by the Chief of Staff, and consist primarily of personnel at the rank of Lieutenant, and any other personnel as assigned by the Superintendent. The NRP Awards Review Board shall submit their recommendations to the Superintendent by February 20th of each year.

# Maryland Natural Resources Police

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### *Awards and Recognition*

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#### **1015.8 RECOGNITION BY COMMUNITY MEMBERS**

Recognition of meritorious or commendable acts from a community member should be accepted in any form. However, written documentation is preferred. Agency members accepting the submission should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
  - 1. Member's name, location, date and time of the meritorious or commendable act
  - 2. Submitting citizen's name, address and telephone number
- (b) A brief account of the meritorious or commendable act.
- (c) Other information as required by the Awards Nomination Google form.

The receiving member should consider whether the information is worthy of an NRP awards nomination and if so, submit the documentation to their commander. Recognition that is not award-worthy, should be forwarded to the appropriate commander for consideration of inclusion in the member's appraisal or in their personnel file.

#### **1015.9 EMPLOYEE OF THE MONTH PROGRAM**

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

Nomination Criterion:

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

Nomination and Recognition:

- (a) Any employee of the Agency may nominate a co-worker, subordinate, or supervisor for the Employee of the Month Award.
- (b) Each Area / Unit shall select one (1) employee every month to receive recognition.
- (c) First Line Supervisors shall make the nomination.
  - 1. The Supervisor of the employee selected shall submit on a monthly basis to the employee's Area / Unit Commander on Agency letterhead through the proper channels.
  - 2. The Agency letterhead shall be submitted along with monthly reports, to the Area / Unit Commander no later than the fifth (5th) of each month.

# Maryland Natural Resources Police

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### *Awards and Recognition*

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3. Area / Unit Commanders shall make the final selection.
  4. The Employee of the Month shall be recognized in updated postings on the Area/ Unit webpage.
  5. Nominations are valid only for the month submitted.
- (d) Nominations shall be given to the employee and submitted for inclusion into their Personnel File and included in the 6-month evaluation.

#### **1015.10 INCENTIVES**

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

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

## **Fitness for Duty**

### **1016.1 PURPOSE AND SCOPE**

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Agency and the community. The purpose of this policy is to ensure that all members of this agency remain fit for duty and able to perform their job functions.

Additional information may be found in the Early Warning identification System (EWIS) Policy.

### **1016.2 POLICY**

The Maryland Natural Resources Police strives to provide a safe and productive work environment and ensure that all members of this agency can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Agency may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

### **1016.3 MPTSC CERTIFICATION**

Officers are required to submit to a physical agility assessment every year and a mental health assessment every two years in order to maintain their certification (Md. Code PS § 3-209).

### **1016.4 MEMBER RESPONSIBILITIES**

It is the responsibility of each member of this agency to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another agency member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### **1016.5 SUPERVISOR RESPONSIBILITIES**

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.

# Maryland Natural Resources Police

## Policy Manual

### *Fitness for Duty*

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- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

This policy does not preclude a supervisor from immediately suspending any member they deem unfit for duty, in accordance with established procedures for emergency suspensions.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

#### 1016.5.1 REPORTING

A supervisor observing a member, or receiving a report of a member who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the member's Bureau Commander through the chain of command.

#### 1016.5.2 DUTY STATUS

In conjunction with the NRP Disability Review Board, the member's Bureau Commander shall make a recommendation to the Deputy Superintendent regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should remain on duty and arrangements for appropriate follow-up made.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the member's Bureau Commander should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions.

The Superintendent shall be promptly notified in the event that any member is relieved of duty.

### **1016.6 FITNESS-FOR-DUTY EVALUATIONS**

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

#### 1016.6.1 PROCESS

The Superintendent, in cooperation with the NRP Personnel Section, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Agency with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

# Maryland Natural Resources Police

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### *Fitness for Duty*

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In order to facilitate the evaluation of any member, the Agency will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the NRP Disability Review Board.

#### **1016.6.2 EVALUATION REQUIRED**

An officer involved in any incident where a person was seriously injured or killed as a result of a shooting or accident and any officer returning from combat deployment shall undergo a psychological consultation consistent with the standards developed by the Maryland Police Training and Standards Commission (MPTSC) (Md. Code PS § 3-207).

#### **1016.6.3 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

A supervisor who believes that a subordinate is displaying conduct that may be symptomatic of emotional and/or behavioral problems has the option of recommending that the employee be referred to the Employee Assistance Program or the State Medical Director.

Referrals can be either voluntary by the employee or initiated through management for job-related issues. Participation is always confidential.

For further guidance see the DBM website at: [dbm.maryland.gov/employees/pages/eap.aspx](http://dbm.maryland.gov/employees/pages/eap.aspx).

#### **1016.7 LIMITATION ON HOURS WORKED**

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hour) period.
- 30 hours in any two-day (48 hours) period.
- 84 hours in any seven-day (168 hours) period.

Except in unusual circumstances, members should have a minimum of eight hours off between scheduled shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

## Meal Periods and Breaks

### 1017.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

### 1017.2 POLICY

It is the policy of the Maryland Natural Resources Police to provide meal periods and breaks to members of this agency in accordance with applicable memorandums of understanding and collective bargaining agreements and the State personnel manual.

### 1017.3 MEAL PERIODS

Officers and police communications operators shall remain on-duty subject to call during meal periods. Officers shall monitor the police radio.

Non-law enforcement employees are entitled to a 30 minute uninterrupted meal period or may choose to eat lunch while working. An employee that chooses a working lunch is not required to include the 30 minute period on their time entry.

### 1017.4 BREAKS

Civilian members are entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one break shall be taken during each four hours of duty.

Civilian members normally assigned to the police facility shall remain at the police facility for their breaks. This does not prohibit them from taking a break away from the facility if they are on official business.

## Lactation Breaks

### 1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

### 1018.2 POLICY

It is the policy of the Maryland Natural Resources Police to provide, in compliance with the Fair Labor Standards Act (FLSA) and Maryland Personnel and Pensions Law (2-310), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her infant nursing child up to one year after the child's birth (29 USC § 218d).

### 1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the police communications operators or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt agency operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1018.4 PRIVATE LOCATION

The Agency will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at any public or private location in which the mother and child are authorized to be (Md. Code HG § 20-801).



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### *Lactation Breaks*

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#### **1018.5 STORAGE OF EXPRESSED MILK**

Any member storing expressed milk in any authorized refrigerated area within the Agency shall clearly label it as such and shall remove it when the member's shift ends.

## Payroll Records

### 1019.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of agency members who are eligible for the payment of wages.

### 1019.2 POLICY

The Maryland Natural Resources Police maintains timely and accurate payroll records.

### 1019.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

### 1019.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a bi-weekly basis. Payroll records shall be completed and submitted to Administrative Services as established by the State payroll procedures. The Statewide Personnel System (SPS) "Workday" is currently the payroll system being utilized for members to document their time and leave.

### 1019.5 WORKSHEET TIME AND ATTENDANCE COMPUTER PROGRAM

Employees must account for their time and attendance in accordance with the Workday computer program.

- (a) Employees must submit their time no later than 2359 hours on the last day of the pay period.
- (b) Supervisors must approve employee time no later than 1000 hours on the first Wednesday following the end of the pay period.
- (c) Deadlines may be altered by Payroll due to holidays or other circumstances. Notification of such changes is made via state email. Employees will adhere to the altered submission and approval deadlines as directed in the email notification.
- (d) Contractual employees - without the timely submission and approval of a contractual employee's Workday times, the employee will not be paid.

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

### 1019.6 RECORDS

The Administrative Services Bureau Chief Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

## Compensation

<b>Effective Date:</b>	10/09/21
<b>Revised Date:</b>	REVIEWED--02/15/24
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--03/01/25	

### 1020.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding compensation for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

### 1020.2 POLICY

The Maryland Natural Resources Police will compensate employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22).

### 1020.3 OVERTIME AND COMPENSATORY TIME

Nonexempt civilian employees must be compensated for any hours worked over 40 during any scheduled workweek.

Officers through the rank of sergeant, PCOs and PCSs must be compensated for any hours worked over eight during any scheduled workday. (State Personnel & Pensions Article Section 8-303, 8-308 and 8-309)

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Non-exempt sworn personnel may accumulate a maximum of 480 compensatory hours.

Salary exempt employees shall earn compensatory time at a rate of one hour for each hour of overtime worked. Compensatory time earned by exempt employees shall be utilized within 12 months of earning or it will be forfeited.

#### 1020.3.1 CALL OUT

- (a) Non-Commissioned Officers called to duty at times other than their regularly assigned shift, shall be granted a minimum of four hours of overtime. (State Personnel & Pensions Article, § 8-308, of the Annotated Code of Maryland.)
- (b) If the officer is called out on a scheduled day off (holidays, annual, personal, reduction recovery or regular leave known as X-days) or on a scheduled workday after being placed off duty, the officer will be compensated with a minimum of four hours overtime.
- (c) Any time worked in excess of the four hours call-out pay that does not fall within number 4 below will be on an hour-for-hour basis.

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- (d) If the officer is called out within four hours of his/her next scheduled shift, the officer will be paid for the time between the initiation of the call-out and the beginning of the next shift.
- (e) If a subsequent call-out falls within the original four-hour block of call-out hours, additional overtime will not be allowed until actual work time exceeds the original four-hour period.

#### 1020.3.2 SCHEDULE CHANGES

- (a) Other than emergency situations, schedules will not routinely be changed with fewer than 48 hours notice.
- (b) A non-commissioned officer whose schedule is changed with fewer than 48-hours-notice is entitled to premium pay for the duration of the shift that is changed. Officers shall receive premium pay for the full eight-hour shift. If an officer uses leave for some portion of the shift, they shall be paid premium pay for the portion of the shift worked. Officers working more than eight hours shall be paid as stated in the Overtime and Compensatory Time sections of this policy.
- (c) Premium Pay is compensated at the officer's overtime hourly pay rate.
- (d) The scheduling supervisor shall, consistent with manpower requirements, make a reasonable attempt to add an additional day off prior to or following other scheduled days off.

#### 1020.3.3 MINIMUM TIME OFF

There shall be a minimum of eight hours between the end of a scheduled shift and the beginning of the next scheduled shift.

This does not apply:

- If the schedule is the result of the affected employee requesting a shift change.
- If there are fewer than the required number of hours between shifts as the result of overtime that occurs after the first shift or prior to the second shift.

#### 1020.3.4 COURT APPEARANCES

Under the State Personnel and Pensions Article, § [8-308](#), of the Annotated Code of Maryland, officers who make an appearance in court on official duty during off-duty hours are entitled to a minimum of two hours of overtime or the duration of the court appearance, whichever is greater.

#### 1020.3.5 PREMIUM HOLIDAYS

For information regarding premium holidays see the Leave Policy.

### 1020.4 REQUESTS FOR OVERTIME COMPENSATION

#### 1020.4.1 EMPLOYEE RESPONSIBILITIES

No employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, notification shall be made as soon as practicable.

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Nonexempt employees shall:

- (a) Obtain supervisory approval.
- (b) Not work in excess of 16 hours, including regularly scheduled work time, overtime and extra-duty time, in any consecutive 24-hour time period without supervisory approval.
- (c) Record the actual time worked in an overtime status using the agency-approved form or method.

#### 1020.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
  - 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of agency resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
  - 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.

#### 1020.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>	
Up to 30 minutes	.50 hour	
31 to 60 minutes	1 hour	

#### 1020.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time if the request does not unduly disrupt agency operations. Requests to use compensatory time will be made to an appropriate supervisor in advance of its intended use.

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on agency-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

#### 1020.7 SHIFT DIFFERENTIAL

- (a) The State shall pay shift differential to designated employees who work a qualifying shift.
- (b) The State shall pay a separate shift differential to employees who work overtime from a qualifying shift into another qualifying shift, in addition to any overtime payment or compensatory time to which the employee may be entitled.
- (c) The State shall pay a separate shift differential to employees who work overtime from a non-qualifying shift into a qualifying shift, provided that the employees work at least

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1/2 of the qualifying shift, in addition to any overtime payment or compensatory time to which the employee is entitled.

1. The State may not pay shift differential to employees who are on paid leave.
2. Shift differential shall be paid to designated law enforcement personnel in accordance with the Memorandum of Understanding between the Natural Resources Police and the State Law Enforcement Officers' Labor Alliance (SLEOLA).
3. Shift differential shall be paid to designated civilian personnel in salary grades 5 through 17 in accordance with COMAR [17.04.02.04](#).

#### **1020.8 CLOTHING ALLOWANCE**

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

#### **1020.9 MEAL REIMBURSEMENT**

Meal allowances for employees in travel status are reimbursable at the rates established by the Maryland Department of Budget and Management. Current meal reimbursements rates can be found on the Maryland Department of Budget and Management website.

#### **1020.10 MILEAGE REIMBURSEMENT**

- (a) An employee is eligible for reimbursement when personally owned vehicles are used for authorized State business.
- (b) A supervisor must authorize the use of a personal vehicle.
- (c) Reimbursement is only authorized when a State vehicle is not available for use.
- (d) The reimbursement rates are determined annually by the Maryland Department of Budget and Management.
- (e) The form, #COT/GAD-X-5, State of Maryland Expense Account, must be completed to request reimbursement.

#### **1020.11 ADVANCED COMPENSATION**

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

- (a) Each day a Field Training Officer (FTO) is assigned a trainee, they will earn an additional stipend per hour to compensate them for their extra duties and training program responsibilities.
- (b) Law enforcement officers shall be paid additional compensation based on the highest level of education they possess.
- (c) Law enforcement officers shall be paid additional compensation based on the successful completion of the Agency's physical fitness bonus program.

# Maryland Natural Resources Police

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### *Compensation*

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- (d) Law enforcement officers shall be paid additional compensation if their bilingual skills are used in the course of their duty. Officers will confirm a minimum skill level. Specifics on obtaining bilingual certification can be found in Policy 328 Limited English Proficiency Services.

#### **1020.12 CANINE OFFICER COMPENSATION**

Canine officers will earn one-half hour overtime or comp time on non-working days to maintain their canine.

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

#### **1020.13 COMPENSATION FOR FORMAL EDUCATION**

Per the SLEOLA contract, members are eligible for additional compensation based on their level of formal education. A member must make the request, and initiate the process, to receive this compensation, which is not retroactive. The procedure is as follows: the member will arrange for the delivery of their official college transcript from an accredited college or university to the NRP Human Resources Section. An accredited college or university is one that is found in the US Department of Education Database of Accredited Postsecondary Institutions and Programs. Transcripts submitted during the application/background process do not fulfill this requirement.

**The transcript must indicate that a degree was awarded.**

Upon approval from the NRP Human Resources Section, the annual compensation is as follows:

- Associate's Degree: \$125
- Bachelor's Degree: \$250
- Master's Degree: \$375
- Doctorate: \$500

Note: members who have earned more than one degree may only receive compensation for one degree.

This additional compensation will be payable in the first full pay period of December.

Requests for formal education compensation accompanied by no official college transcript, college transcripts that are unofficial, already opened, or those that do not state a degree was awarded, will be denied.

# Outside Employment and Outside Overtime

## 1021.1 PURPOSE AND SCOPE

This policy provides guidelines for agency members who seek to engage in authorized outside employment or outside overtime.

### 1021.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside employment** - Duties or services performed by members of this agency for another employer, organization or individual who is not affiliated directly with this agency when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

**Outside overtime** - Duties or services performed by members of this agency for a private organization, entity or individual, that are requested and scheduled directly through the Agency. Member compensation, benefits and costs for such outside services are reimbursed to the Agency.

## 1021.2 POLICY

Members of the Maryland Natural Resources Police shall obtain written approval from the Superintendent or the authorized designee prior to engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Superintendent in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

## 1021.3 OUTSIDE EMPLOYMENT

### 1021.3.1 REQUEST AND APPROVAL

Members must submit the designated outside employment request form (NRP-454) to their immediate supervisors. The request form will then be forwarded through the chain of command to their Bureau Commander for consideration. A separate request shall be submitted for each employer.

If approved, the member will be provided with a copy of the approved request form.

A copy of the form will also be maintained in the Office of the Superintendent.

Unless otherwise indicated in writing on the request form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form at the start of each calendar year.

Entrance or re-enlistment into a military reserve component does not require an outside employment request form to be submitted.



# Maryland Natural Resources Police

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### *Outside Employment and Outside Overtime*

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#### 1021.3.2 DENIAL

Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

#### 1021.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards.
  - 1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with their supervisor's authorization.
- (b) When a member's conduct or outside employment conflicts with agency policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Agency or State.

#### 1021.3.4 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with their Bureau Commander within 10 days of receiving notice of the denial, revocation or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy.

### **1021.4 REQUIREMENTS**

#### 1021.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Agency reserves the right to deny any request for outside employment that involves:

- (a) The use of agency time, facilities, equipment or supplies.
- (b) The use of the Maryland Natural Resources Police badge, uniform or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this agency.
- (e) Demands upon the member's time that would render the performance of his/her duties for this agency deficient or substandard.

# Maryland Natural Resources Police

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### *Outside Employment and Outside Overtime*

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- (f) Activities that may conflict with any other policy or rule of the Agency.
- (g) Any entity that is (COMAR 19A.04.02.04):
  - 1. Subject to the authority of that member of the Agency.
  - 2. A contractor or subcontractor with this agency or that is negotiating a contract with the Agency.
- (h) Employment that would impair the impartiality and independent judgment of the member (COMAR 19A.04.02.04).
- (i) Employment prohibited by State local law enacted pursuant to COMAR 19A.04.01.03.
- (j) Employment which involves quasi-police type functions such as serving civil processes, collecting bad checks or bad debts, or working repossession.
- (k) Employment for a business that sells illicit pornographic material or otherwise provides illicit entertainment or services of a sexual nature.
- (l) Employment for a business, or in a capacity, where the primary duties are to serve, sell, or dispense intoxicants.
- (m) Employment or work in any capacity where it could be reasonably construed that the duties are that of a bouncer.
- (n) Employment by a business dealing directly or indirectly with the manufacture, transportation or sale of cannabis.

#### 1021.4.2 SECURITY AND LAW ENFORCEMENT OFFICER OUTSIDE EMPLOYMENT

No member of this agency may engage in any outside employment as a law enforcement officer, private security, guard, private investigator, or other similar private security position except as allowed by state law (Md. Code PS § 3-110).

#### 1021.4.3 AGENCY RESOURCES

Members are prohibited from using any agency equipment or resources in the course of, or for the benefit of, any outside employment unless otherwise authorized. This shall include the prohibition against any member using his/her position with this agency to gain access to official records or databases of this agency or other agencies.

#### 1021.4.4 COURT APPEARANCES RELATED TO OUTSIDE EMPLOYMENT

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

#### 1021.4.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to their Bureau Commander

Members shall also promptly submit in writing to the Bureau Commander any material changes in outside employment, including any change in the number of hours, type of duties or the demands

# Maryland Natural Resources Police

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### *Outside Employment and Outside Overtime*

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of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

#### 1021.4.6 LEAVE OR RESTRICTED DUTY STATUS

Only employees who are on full duty status may work outside employment.

An employee who is off-duty due to the use of sick leave shall not engage in outside employment until they return to regular duty or 24 hours have elapsed since incurring the sick leave, whichever occurs first. This does not apply when the sick leave is used for a documented medical appointment.

When the member returns to full duty, a written request may be submitted to the Bureau Commander to approve the outside employment request.

#### 1021.4.7 LIABILITY

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

The Agency will not provide a legal defense for legal claims arising from outside employment activities of a law enforcement officer unless there is a legal obligation to do so.

### 1021.5 OUTSIDE OVERTIME

#### 1021.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this agency must submit a written request to the Superintendent or the authorized designee in advance of the desired service. Such services will be assigned, monitored, and compensated through the Agency as outside overtime assignments.

- (a) A request for special services during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute will not be approved.
- (b) The requestor will be required to enter into an agreement that includes indemnification with the Agency prior to approval.
- (c) The requestor will be required to reimburse the Agency for the member's compensation associated with such outside services.
- (d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:
  - 1. The member shall be subject to the rules and regulations of this agency.
  - 2. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Compensation Policy).

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### *Outside Employment and Outside Overtime*

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3. Outside overtime shall not be subject to the collective bargaining process.
- (e) Outside overtime shall be assigned at the discretion of the Superintendent or the authorized designee.

#### 1021.5.2 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports and any associated court appearances shall be considered part of the outside overtime assignment.

#### 1021.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Bureau Commander, undercover officer or officers assigned to covert operations shall not be eligible to work outside overtime in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.

# Work-Related Injury and Illness Reporting

## 1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries and occupational illnesses.

### 1022.1.1 DEFINITIONS

Definitions in this policy include:

**Work-related injury or illness** - Accidental personal injury or illness arising out of and in the course of employment (Md. Code LE § 9-101).

## 1022.2 POLICY

The Maryland Natural Resources Police will address work-related injuries and occupational illnesses appropriately, and will comply with applicable state workers' compensation requirements (Md. Code LE § 9-101 et seq.).

## 1022.3 RESPONSIBILITIES

### 1022.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any work-related injury or occupational illness shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

### 1022.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly (Md. Code LE § 9-707). Any related State-wide injury or illness-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and the Workplace Safety and Health policies apply and take additional action as required.

Supervisors shall forward all paperwork to NRP HR.

# Personal Appearance Standards

## 1023.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Maryland Natural Resources Police.

Requirements for agency uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

## 1023.2 POLICY

Maryland Natural Resources Police members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this agency and for their assignments while reflecting modern norms and styles that allow us to be part of our community. Agency personal appearance standards are primarily based on appearance conformity.

## 1023.3 DEFINITIONS

Prohibited tattoo - Prohibited tattoos/body modifications include, but are not limited to:

- Depictions of nudity or violence;
- Sexually explicit, drug related, or vulgar art, works or phrases;
- Profane language;
- Symbols likely to incite a strong reaction in the workplace (e.g., swastikas);
- Initials, acronyms, or numbers that represent criminal or historically-oppressive organizations (e.g. AB, KKK, SS, MM, BGF, HA, 666) or street gang names, numbers, or symbols;
- Those that indicate, to a reasonable person, that the officer may be biased in some way, and
- Those that a reasonable person would find offensive.

Band tattoo - a tattoo partially or fully encircling the circumference of a single finger, no more than 3/8" in width.

## 1023.4 GROOMING

Unless otherwise stated, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Superintendent has granted an exception.

### 1023.4.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that

# Maryland Natural Resources Police

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### *Personal Appearance Standards*

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affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Superintendent.

#### 1023.4.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male agency members must not extend below the top edge of a uniform collar while assuming a normal stance. Hair shall not touch the top of the ears.

Hairstyles for female agency members must not extend below the bottom edge of a uniform collar while assuming a normal stance. Longer hair shall be secured above the bottom edge of the shirt collar.

#### 1023.4.3 MUSTACHES

Mustaches must be trimmed so that the upper lip of the officer is visible when viewed from the front and must have clearly defined edges. Mustaches must be trimmed so that they are closely cropped/trimmed to the skin (no thicker than 1/4") and they must not extend beyond 1/4" below or beyond the upper lip. Mustaches must not be waxed or otherwise treated to extend them beyond the natural hairline.

#### 1023.4.4 SIDEBURNS

Sideburns shall not extend below a horizontal line drawn from the lowest portion of the ear. They must be trimmed in such a manner that the ear is visible from the front and that the width of the sideburns does not exceed the area defined by the natural hairline. Sideburns must be trimmed so that they are closely cropped/trimmed to the skin (no longer than 1/4") and must have clearly defined edges.

#### 1023.4.5 FACIAL HAIR

- A. Beards are authorized and must be worn as a full profile, with a maximum hair length of 1/4". A full profile beard is defined as allowing hair to grow fully on the cheeks, jaw, lip and chin.
- B. Any beard worn while on duty must:
  - 1. Be trimmed neat, clean, and present a professional image,
  - 2. not exceed 1/4 inch,
  - 3. be kept trimmed and well-groomed while on duty.
  - 4. Be closely cropped/trimmed with clearly defined edges. No growth is permitted below the lower jaw line or on any part of the neck.
- C. The following facial hair styles are strictly prohibited:
  - 1. Goatee
  - 2. Balbo

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3. Horseshoe
  4. Mutton Chops
  5. Chin Strap Style
  6. Any other style which does not conform to the full profile requirement
  7. Non-conventional styles: Styles that involve multiple, separate sections of facial hair, unusual shapes, curved lines or other non-conventional designs.
  8. Unkempt facial hair: Facial hair that is dirty, greasy, or otherwise unkempt and presents an unprofessional appearance.
  9. Any facial hair style that does not conform to this policy.
- D. Enforcement of this policy
1. The final decision on whether a subordinate's facial hair violates the Agency's policy rests with any supervisor or commander who determines a facial hair policy violation exists, regardless of whether the officer is their direct report.
    - (a) Upon being notified by a supervisor or commander that their facial hair violates the Agency's facial hair policy, the officer shall promptly shave, trim, or do whatever is necessary to rectify the violation and bring their facial hair back into compliance in the opinion of the supervisor, without delay.
    - (b) In all cases, a supervisor or commander ordering facial hair remediation will notify the officer's supervisor and commander of the incident and violation immediately.
    - (c) This policy is strictly enforced, and the subordinate's supervisor and commander will be held strictly and directly responsible for ensuring that officers under their command comply with this policy.
    - (d) This is a Category A violation in the Statewide Disciplinary Matrix.

#### 1023.4.6 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern to the public. They shall not interfere with the member's duty performance such as safe drawing of weapons, or usage of safety or duty equipment.

Fingernails (natural or artificial) shall not be decorated or embossed with designs or ornaments. All fingernails shall be of the same single color, with the exception of a traditional French manicure.

### **1023.5 APPEARANCE**

#### 1023.5.1 JEWELRY

For the purpose of this policy, jewelry refers to earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the agency member or others. Jewelry that depicts racial, sexual, discriminatory, gang-



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### *Personal Appearance Standards*

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related, or obscene language is not allowed. See the Uniforms and Civilian Attire Policy for jewelry specifications that apply while wearing the agency uniform.

#### 1023.5.2 TATTOOS

At no time while on duty shall any member, sworn or civilian, display any visible prohibited tattoo or body art. Tattoos on the hand (except a band tattoo) or above the collarbone are prohibited.

Any hand tattoo (except a band tattoo) or tattoo above the collarbone on the effective date on this policy shall be documented by the member by submitting a photo of the tattoo through the chain of command to the member's Regional/Divisional Commander, who will then forward to the Internal Affairs Unit commander, for entry into Blue Team.

#### 1023.5.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Maryland Natural Resources Police in any official capacity, that is a deviation from normal anatomical features, and that is not medically required, is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).
- (d) Branding, scarification or burning to create a design or pattern.

#### 1023.5.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Maryland Natural Resources Police in any official capacity. Such ornamentation includes, but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum or other veneers or caps used for decorative purposes.
- (c) Orthodontic appliances that are colored for decorative purposes.

#### 1023.5.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Maryland Natural Resources Police in any official capacity.

#### 1023.5.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion and other items used for body fragrance shall be kept to a minimum.

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#### 1023.5.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

#### 1023.6 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of agency members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. Requests for religious accommodation should be routed to the Superintendent via the chain of command.

#### 1023.7 EXEMPTIONS

Members who seek cultural (e.g., traits associated with race such as hair texture, afro hairstyles, protective hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Md. Code SG § 20-101). Members should request an exemption through the chain of command to their Bureau Commander. A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Superintendent should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a security or safety risk.

#### 1023.8 MEDICAL WAIVERS

General Medical Waivers:

- (a) Officers with documented medical certification from a physician outlining a medical condition that would inhibit compliance with the uniform policy may request an exemption from the applicable general guidelines.
- (b) Requests for exemptions shall be sent in a sealed envelope through the chain of command, in memorandum format, to the Disability Panel. Requests will be reviewed on a case-by-case basis and must ultimately be approved by the Superintendent or the authorized designee.

## Uniforms and Non-Uniform Attire

<b>Effective Date:</b>	02/16/23
<b>Revised Date:</b>	REVIEWED--02/05/25
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--09/01/26

### 1024.1 PURPOSE AND SCOPE

This policy provides guidelines for Maryland Natural Resources Police-authorized uniforms and non-uniformed attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of agency uniforms, and that the appearance of members who wear non-uniform attire reflects favorably on the Agency.

This policy addresses the wearing and maintenance of agency uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian nonuniform attire; and the authorized use of optional equipment and accessories by members of the Agency.

Other related topics are addressed in the Badges, Patches and Identification, Agency-Owned and Personal Property, and Personal Appearance Standards policies.

### 1024.2 POLICY

The Maryland Natural Resources Police will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement or memorandum of understanding. The Agency may provide other agency members with uniforms at the direction of the Superintendent.

All uniforms and equipment issued to agency members shall be returned to the Agency upon termination or resignation.

### 1024.3 UNIFORMS

The Superintendent or the authorized designee plays a pivotal role in updating uniform and equipment specifications. All members should consult them as needed. Uniforms shall be worn as described in this policy and as specified.

The following shall apply to those assigned to wear agency-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed. Metal and brass accessories must be clean and shined.
- (b) Officers in a non-uniformed assignment shall maintain a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Uniforms shall be worn in compliance with any applicable agency specifications.
- (d) Members shall wear only the uniforms specified for their ranks and assignments.

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### *Uniforms and Non-Uniform Attire*

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- (e) Non-uniform attire shall not be worn in combination with any distinguishable part of a uniform.
- (f) Uniforms are only to be worn while on-duty, for court, at official agency functions or events, while in transit to or from work, or when authorized by the Superintendent or the authorized designee.
- (g) Members are not to purchase or drink alcoholic beverages while wearing any part of agency-issued uniforms, including the uniform pants.
- (h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

#### 1024.3.1 ACCESSORIES

Members shall adhere to the following when wearing agency uniforms:

- (a) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy. Unless specifically authorized by the Superintendent or the authorized designee, only the following jewelry may be worn with the uniform:
  - 1. Earrings shall be stud-style and only one earring may be worn in each ear.
  - 2. Necklaces must be worn inside the uniform shirt and must not be able to fall out.
  - 3. Rings
  - 4. Wristwatch
  - 5. Medical alert bracelet

#### 1024.3.2 INSIGNIA, PATCHES AND BADGE

Only the following elements may be affixed to agency uniforms unless an exception is authorized by the Superintendent:

- (a) Shoulder patch - The authorized shoulder patch shall be machine stitched to the sleeves of all uniform shirts and jackets as required.
- (b) Badge - The agency-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- (c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth name plate, shall be worn at all times while in uniform.
  - 1. When a jacket is worn, an authorized nameplate, shall be affixed to each jacket with a nameplate tab.
  - 2. For identification requirements while serving a search warrant, refer to the Warrant Service Policy.
- (d) Rank insignia - The designated insignia indicating the member's rank must be worn at all times while in uniform.
- (e) Service insignia - The designated insignia indicating the member's length of service shall be worn on the Class A Blouse

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### *Uniforms and Non-Uniform Attire*

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- (f) Assignment insignias - Assignment insignias (e.g., FTO, TRT) may be worn as designated by the Superintendent. No more than one assignment insignia may be worn on the uniform shirt.
- (g) American Flag Pin - An American flag pin shall be worn, centered above the nameplate. If another authorized insignia is worn above the nameplate, the flag pin shall be worn above the authorized insignia.
- (h) Ribbons - Personnel awarded commendation ribbons by the NRP may wear the ribbons with the following limitations:
  - 1. Ribbons will be displayed in their order of prominence.
    - (a) NRP issued ribbons shall have prominence over any other ribbons.
    - (b) The most prominent ribbon will be displayed closest to the heart.
    - (c) Each "#" represents one additional award in that particular area.
    - (d) Numbers represent 5,10, etc. awards.
- (i) Outside Agency Awards (e.g., NASBLA, Shikar Safari)- Award pins shall not be worn in conjunction with assignment insignias. If multiple outside agency award pins are earned, only the most recent pin is authorized for the uniform.
- (j) Tie Tack - The issued tie tack bearing the State of Maryland insignia shall be used to secure the tie in line with the horizontal bottom edge of the shirt pocket flaps.

#### **1024.3.3 MOURNING BAND**

Uniformed members shall wear a black mourning band across the agency badge whenever a law enforcement officer is killed in the line of duty or as directed by the Superintendent. The following mourning periods will be observed:

- (a) Maryland Natural Resources Police officer - From the time of death until midnight on the 14th day after the death.
- (b) An officer employed by a Maryland agency or a federal agency working in Maryland - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of any fallen officer.
- (d) The scheduled date of the annual Maryland Natural Resources Police Fallen Officers Memorial Service. - From 0001 hours until 2359 hours.
- (e) Maryland Fallen Heroes Day (first Friday in May) - From 0001 hours until 2359 hours.
- (f) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (g) As directed by the Superintendent.

#### **1024.4 UNIFORM CLASSES**

The Superintendent or the authorized designee shall determine the uniform to be worn by each agency member or any deviations that may be authorized.

Uniforms are classified as follows:

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### *Uniforms and Non-Uniform Attire*

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- (a) Class A - Full dress uniform to be worn by designated agency members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Superintendent or the authorized designee.
- (b) Class B - Professional dress uniform to be worn daily by designated agency members such as Executive Staff, Commanders, or as directed by the Superintendent or authorized designee.
- (c) Class C - Utility uniform to be worn by designated Agency members for field and patrol assignments or assignments or as designated by a supervisor or commander.
- (d) Class D - Work /Training uniform to be worn for specific work events or assignments, at In-Service or other training events, or as daily wear for designated units, or as directed by the respective Bureau Chief or authorized designee.
- (e) Specialized assignment - Specific uniforms to be worn by members in special assignments orbureaus.

#### 1024.4.1 CLASS A FULL DRESS UNIFORM

The Class A full dress uniform consists of the following:

- (a) Green dress blouse
- (b) Green felt Stetson
- (c) Long-sleeve shirt
- (d) Tie and tie tack
- (e) Trousers
- (f) Black leather duty belt
- (g) Only the handcuff case and magazine pouch shall be worn with the Class A.
- (h) Black Sam Brown Strap (non-commissioned officers)
- (i) Black socks
- (j) Black high-gloss dress shoes
- (k) White gloves

#### 1024.4.2 CLASS B PROFESSIONAL DRESS UNIFORM

The Class B professional dress uniform consists of the following:

- (a) Long-sleeve shirt or short-sleeve for wear at the officer's discretion based on weather conditions, work assignments, or other circumstances unless a specific sleeve length is designated as the uniform of the day for a special event or assignment by the appropriate supervisor.
  - 1. A black t-shirt must be worn under the short-sleeve uniform shirt, if visible.
  - 2. All short-sleeve shirt buttons must remain buttoned except for the top button at the neck.
  - 3. Long sleeves must be buttoned at the cuff.

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- 4. Black tie (worn with long sleeve shirt only) with tie tack
- (b) Trouser
- (c) Black leather duty belt
  - 1. Belts shall be equipped as needed for the member's assignment.
- (d) Black socks
- (e) Black polished dress shoes or boots
- (f) Stetson – Felt with long sleeve uniform, straw with short sleeve uniform
- (g) Black mock turtleneck may be worn under the long-sleeve uniform shirt (Lt's and below only).
- (h) Jacket – shall be zipped no less than 2/3 of the zipper length
- (i) Rain gear
- (j) If an officer wears the tan outer carrier with the Class B long-sleeve uniform shirt, a tie shall not be worn.

#### 1024.4.3 CLASS C UTILITY UNIFORM

Utility trousers, long sleeve, or short sleeve utility shirt, baseball style type cap, and web style weapons belt.

- (a) The Class C Utility uniform may be worn for all daily duty agency functions to include on patrol, the firearms range, for administrative and support functions, or as directed by the Superintendent or authorized designee.
- (b) The Class C Utility uniform may be designated as the uniform of the day by the appropriate supervisor.
- (c) If a T-shirt is visible it must be black in color.
- (d) Trousers may be bloused when worn with boots.
- (e) The short sleeve or long sleeve shirt shall be worn at the discretion of the officer unless a specific sleeve length is designated as the uniform of the day for a special event or assignment by the appropriate supervisor.
- (f) Effective 1/5/24, the metal badge will not be worn with the Class C Utility uniform in any manner or location, including on the gunbelt.

#### 1024.4.4 CLASS D WORK/TRAINING UNIFORM

The Work/Training uniform will consist of issued utility trousers with a black in color long-sleeve or short sleeve polo shirt with an Agency or Unit specific logo on the left chest area.

- a. An Agency baseball style tape cap and outdoor/hiking shoes may be worn with this uniform.
- b. Officers will wear the duty weapon and carry duty magazines in an admin or off duty style holster(s) approved for duty wear.

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c. This uniform will be worn for In-Service training events, outside-agency training, may be duty wear for designated specialized administrative, investigated, and support units.

d. May be worn for special events, such as community outreach or public affairs or as public affairs or as directed by the Superintendent or authorized designee.

#### 1024.4.5 SPECIALIZED ASSIGNMENT UNIFORM

The Superintendent or an authorized designee may approve specialized uniforms for members in assignments such as canine handlers, the Tactical Response Team (TRT), and other designated roles. All specialized uniforms must receive approval from the respective Bureau Chief and be specified in the unit's Standard Operating Procedures (SOPs).

#### **1024.5 NON-UNIFORM ATTIRE**

There are assignments within the Agency that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

- (a) Non-uniform attire shall fit properly, be clean and free of stains, and not damaged or excessively worn.
- (b) Members assigned to administrative, investigative and support positions shall wear business-appropriate clothing that is conservative in style.
- (c) Variations from this policy are allowed at the discretion of the Superintendent or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.
- (d) No item of non-uniform attire may be worn while on-duty that would adversely affect the reputation of the Maryland Natural Resources Police or the morale of the members.
- (e) Officers who serve primarily in a uniformed capacity is required to receive approval by a supervisor prior to wearing non-uniform attire. Supervisors shall grant permission for an officer to wear non-uniform attire on an assignment basis only.
- (f) The following items shall not be worn while on-duty or when representing the Agency in any official capacity:
  - 1. Clothing that reveals cleavage, the back, chest, stomach or buttocks
  - 2. Exposed undergarments
  - 3. Tank tops, tube tops or halter tops
  - 4. Sweatpants or similar exercise clothing
  - 5. Transparent clothing or clothing with holes or tears
  - 6. Shorts
  - 7. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language



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#### **1024.6 OPTIONAL EQUIPMENT**

Any items that are allowed by the Maryland Natural Resources Police but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the Agency.

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear). When the item is no longer functional, the member bears the full cost of replacement.

#### **1024.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Maryland Natural Resources Police members may not wear any uniform item, accessory or attachment unless specifically authorized by the Superintendent or the authorized designee.

Agency members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Superintendent or the authorized designee.

#### **1024.8 RETIREE REQUEST FOR AGENCY ITEMS**

Only active members of the agency are permitted to request or acquire items from the agency. Agency items, including but not limited to pins, patches or other issued items, are not authorized to be distributed to any person except an active member of the agency. Agency items are not eligible for purchase or distribution to the public, or retirees.

## Cadets

<b>Effective Date:</b>	10/09/21
<b>Revised Date:</b>	REVIEWED--11/17/23
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--12/01/24	

### 1025.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Maryland Natural Resources Police Cadets.

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

### 1025.2 POLICY

It is the policy of the Maryland Natural Resources Police to offer a program for Cadets to familiarize and prepare qualified individuals for a career in law enforcement. The Agency shall ensure that those participating in the program are properly appointed, trained and supervised.

The Sergeant of the Recruitment and Cadet Section shall oversee the Cadet Program in accordance with the Cadet Manual and serve as their first-line supervisor.

### 1025.3 RECRUITMENT, SELECTION AND APPOINTMENT

The Maryland Natural Resources Police shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this agency.

All applicants shall be required to meet and pass certain pre-appointment procedures.

#### 1025.3.1 REQUIREMENTS

Individuals in the Cadet Program shall:

- (a) Be older than 18 and younger than 21 when hired.
- (b) Be a high school graduate or possess a high school equivalency certificate.
- (c) Be citizens of the United States.

#### 1025.3.2 IDENTIFICATION

Cadets shall conform to all appearance standards of this agency.

Cadets shall follow the uniform standards contained in the Cadet Manual.

Cadets will be issued their Maryland Natural Resources Police identification cards, which must be carried at all times while on-duty.

### 1025.4 CADET SAFETY AND WORKING LIMITATIONS

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

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### Cadets

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- (a) Vehicles - After Agency training, Cadets may operate unmarked patrol vehicles without supervision of an NRP officer. However, they may not operate marked patrol vehicles unless they are in the direct supervision of a Natural Resources Police officer. In accordance with NRP policy Cadets are not authorized to operate police vehicles during a Code 1 response situation, or in any other emergency situation utilizing emergency lights and sirens.
- (b) Vessels - After Agency training, Cadets may operate patrol vessels while under the direct supervision of a Natural Resources Police officer. In accordance with NRP Policy, Cadets are not authorized to operate police vessels during a Code 1 response situation, or in any other emergency situation utilizing emergency lights and sirens.
- (c) Weapon handling - After Agency training, Cadets may be allowed to handle weapons that are loaded with live rounds while under the direct supervision of a Natural Resources Police Officer. If in the field checking hunters the NRP Officer may show the Cadet how to safely unload the weapon. Safety must be stressed in all situations when handling weapons.
- (d) Surveillance operations - Only while under the direct supervision of an NRP Officer, may cadets participate in surveillance operations. Cadets are not authorized to take any type of enforcement action.
- (e) Cadets are authorized to enter private property, subject to the following limitations, requirements and restrictions:
  - 1. Cadets are deemed to be agents of the State, and subject to the same constraints sworn NRP officers are. Therefore:
    - (a) Cadets will always be assigned a sworn member of the agency, and work under the NRP officer's supervision;
    - (b) Cadets will never enter upon private property without NRP officer supervision;
    - (c) A Cadet's attendance upon private property must be specifically linked to the purpose the supervising NRP officer has on the property, and
    - (d) Cadets will act within the confines of the Cadet Manual and NRP Policy and Procedures Manuals at all times while on private property.

#### 1025.5 ROTATION OF ASSIGNMENTS

Job assignments should rotate on a regular basis to enhance the career development of each Cadet.

In general, more experienced Cadets will be assigned to positions requiring more technical skill or responsibility. They may also serve to train current and newly hired Cadets.

#### 1025.6 EVALUATIONS

Evaluations play a critical role in determining whether a Cadet should be retained as a candidate for entry into the Entrance Level Police Academy. Honest and objective evaluations of Cadets shall be a prime consideration of all members of this program. **Issues, no matter how minor, should be documented.** This is necessary to identify patterns of behavior and/or training issues

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that require correction. Members interacting with Cadets should note and report achievements and issues of concern to the Sergeant of the Recruitment and Cadet Section.

Evaluations (NRP-930) shall be submitted in accordance with the Cadet Manual. Cadets are subject to the civilian performance evaluation process.

## Conflict of Interest

### 1026.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Maryland Natural Resources Police.

#### 1026.1.1 DEFINITIONS

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

### 1026.2 POLICY

Members of the Maryland Natural Resources Police are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of agency members and the public, and thereby maintain the trust of the public and agency members.

### 1026.3 PROHIBITIONS

The Agency prohibits the following types of personal or business relationships among members:

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.
  - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
  - 2. When personnel and circumstances permit, the Agency will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Agency, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Agency FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they

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are assigned to train until such time as the training has been successfully completed and the person is off probation.

#### 1026.3.1 ADDITIONAL PROHIBITIONS

The Agency prohibits members from (COMAR 19A.04.02.04):

- (a) Participating in a State matter that would have a direct economic impact, distinct from the impact on the public at large, on the member or that, to the knowledge of the member, would have a direct economic impact on any of the following:
  - 1. A spouse, parent, sibling or child of member.
  - 2. A business entity with which the member or member's spouse, parent, sibling or child is affiliated.
- (b) Having a financial interest in an entity that:
  - 1. Is subject to the authority of the member.
  - 2. Is negotiating or has entered a contract with or is a subcontractor on a contract with the Maryland Natural Resources Police.
- (c) Soliciting or receiving gifts.
- (d) Any other conflict of interest or financial interest identified by State law enacted pursuant to COMAR 19A.04.01.03.

These prohibitions do not apply if the member is granted an exemption pursuant to the provisions of State or local law enacted pursuant to COMAR 19A.04.01.03.

Employees shall not recommend or suggest in any manner, except in the transaction of personal business and then representing themselves only as a private citizen, the employment or procurement of a particular product, professional service, or commercial service (e.g., an attorney, towing service, bondsman, vessel repair facility).

#### 1026.4 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the police communications operators to have another uninvolved member either relieve the involved member or minimally remain present to witness the action.

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#### **1026.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify their chain of command of such actual or potential violations.

## Badges, Patches and Identification

### 1027.1 PURPOSE AND SCOPE

The Maryland Natural Resources Police (NRP) badge, patch and identification card, as well as the likeness of these items and the name of the Agency, are property of the Agency. Their use shall be restricted as set forth in this policy.

### 1027.2 POLICY

Members of the Agency will use the NRP badge, patch and identification card, as well as the likeness of these items, appropriately and professionally.

### 1027.3 UNAUTHORIZED USE

The NRP badge, patch and identification card shall not be displayed or used by any member except when acting in an official or authorized capacity.

Agency members shall not:

- (a) Display or use the NRP badge, patch or identification card for personal gain or benefit.
- (b) Loan the NRP badge, patch or identification card to others and shall not permit these items to be reproduced or duplicated.
- (c) Use images of the NRP badge, patch or identification card, or the likeness thereof, or the Maryland Natural Resources Police name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, or social networking or websites.

#### 1027.3.1 LOST BADGE, PATCH OR IDENTIFICATION CARD

Agency members shall promptly notify their supervisors whenever their NRP badges or identification cards are lost, damaged or are otherwise removed from their control and an RMS report will be created. Lost or stolen badges shall be entered into the NCIC system.

### 1027.4 BADGES

The Superintendent shall determine the form of badges authorized for use by agency members. No other badges may be used, carried, worn or displayed.

Only badges issued or authorized by this agency are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

While on-duty and engaged in law enforcement activities the badge shall be displayed in such a way that the officer is recognizable as a police officer by members of the public.

#### 1027.4.1 RETIREE BADGES

The Superintendent may establish rules for allowing honorably retired members to purchase Agency badges for use as private memorabilia. The Agency shall purchase a retirement badge and wallet for honorably retired members.



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### *Badges, Patches and Identification*

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#### 1027.4.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the NRP badge shall not be used for any purpose without the express authorization of the Superintendent and shall be subject to the following:

- (a) An authorized employee group may use the likeness of the NRP badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Maryland Natural Resources Police.

#### 1027.5 IDENTIFICATION CARDS

All members will be issued an official NRP identification card bearing the member's name, full-face photograph, member identification number and the signature of the Superintendent or the official seal of the Agency. All members shall be in possession of their agency-issued identification cards at all times while on-duty.

- (a) Whenever on-duty or acting in an official capacity representing the Agency, members shall display their agency-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their Bureau Commanders.

#### 1027.6 BUSINESS CARDS

The Agency will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. Members may purchase personalized business cards at their own expense. The design of personally purchased business card must be approved by a supervisor. Business cards should contain identifying information including, but not limited to, the member's name, rank, identification number and contact information (e.g., telephone number, email address).

Members should provide a business card upon request.

## Temporary Modified/No-Duty Assignments

<b>Effective Date:</b>	01/30/23
<b>Revised Date:</b>	REVIEWED--02/29/24
<b>Issuing Authority:</b> COL/NEXT REVIEW BY 04/01/25	

### 1028.1 PURPOSE AND SCOPE

It is the purpose of this policy to establish the authority for temporary modified and no-duty assignments and procedures for granting temporary modified and no-duty assignments to eligible members of this agency.

### 1028.2 DEFINITIONS

**Approved Medical Documentation** - an original NRP-496 Certificate of Illness or Disability, signed by a health care provider. An employee may submit other documents in lieu of the NRP-496 provided they: (1) are signed by a health care provider, (2) authenticate the employee's or the employee's immediate family member's illness or disability and the absence from the workplace and (3) include a prognosis about the employee's ability to return to work.

**Full Duty** - a duty status in which the member is able to perform all required essential job functions of their position.

**Health Care Provider** - a medical doctor authorized to practice medicine or surgery by the state in which the doctor practices; an accredited Christian Science practitioner; any of the following if authorized to practice in a state and performing within the scope of that authority: chiropractor, clinical psychologist, dentist, licensed certified clinical social worker, nurse midwife, nurse practitioner, oral surgeon, optometrist, physical therapist, or a podiatrist; or a health care provider as defined by the Family and Medical Leave Act.

**Temporary Modified Duty** - a duty status in which the member is temporarily suffering from medically certified illness, injury, or disability requiring treatment of a licensed health care provider and who is not able to perform all of the essential job functions of their position, but is capable of performing alternative assignments, and the member has been reassigned to other work duties; sometimes referred to as "light duty".

**Temporary No-Duty** - a duty status in which the member is temporarily suffering from a medically certified illness, injury, or disability requiring treatment of a licensed health care provider and who is not able to perform the essential job functions of their position and the member is out of the workplace.

### 1028.3 POLICY

Temporary modified-duty assignments, when available, are for officers and other eligible personnel in this agency who, because of injury, illness, or disability, are temporarily unable to

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### *Temporary Modified/No-Duty Assignments*

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perform their regular assignments but who are capable of performing alternative duty assignments. Use of temporary modified duty can provide members with an opportunity to remain productive while recovering, as well as provide a work option for members who may otherwise risk the health and safety of themselves or others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of this agency that eligible personnel be given a reasonable opportunity to work in temporary modified-duty assignments, where available, when beneficial to the agency, and consistent with this policy.

#### **1028.4 REFERENCES**

IACP Model Policy, Temporary Light Duty

IACP Policy Paper, Temporary Light Duty

#### **1028.5 GENERAL PROVISIONS OF THIS DIRECTIVE**

- A. This policy in no way affects the privileges of members under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other federal or state law.
- B. Assignment to temporary modified duty shall not affect a member's pay classification, pay increases, promotions, retirement benefits, or other employee benefits.
- C. Temporary modified duty assignments are not to be used for disciplinary purposes.
- D. This policy applies only to members whose disabling conditions are temporary.
- E. Temporary modified duty assignments:
  - 1. are a management prerogative, not an employee right;
  - 2. are assigned on a case-by-case basis;
  - 3. are limited in number and variety, therefore, personnel injured or otherwise disabled in the line of duty shall be given first priority in temporary modified duty assignment choice;
  - 4. are not guaranteed;
  - 5. are always temporary in duration, and
  - 6. can be denied, modified or changed, stopped or otherwise canceled at any time based solely at the discretion or needs of the agency.
- F. The agency does not guarantee that it will be able to assign anyone to temporary modified duty at any given time. Decisions on temporary modified duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills and abilities; availability of temporary modified duty assignments; and the physical limitations imposed on the officer.
- G. The final decision on whether a member is to be assigned to temporary modified duty remains with the Disability Review Board.
- H. Members having disabilities covered under the Americans with Disabilities Act (ADA) or the Maryland Accessibility Code shall be treated equally, without regard to any preference for a work-related injury.

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- I. If a temporary modified duty assignment is unavailable for an employee injured outside the line of duty, the employee will be required to use leave.
- J. This policy will in no way be construed to mean that temporary modified duty is guaranteed.

#### **1028.6 TEMPORARY MODIFIED DUTY ASSIGNMENTS**

- A. Members are required to be capable of performing all essential job functions of their position as determined by the NRP Human Resources Section and DNR Human Resource Service.
- B. Members who are subject to a physical or mental impairment which restricts their ability to perform any of the essential job functions may be relieved of full duty.
- C. Members who believe they are unable to work in a full duty status will promptly notify their supervisor.
- D. Supervisors who become aware of any employee who they believe is unable to work in a full duty status will promptly notify their commander. The Disability Review Board will determine whether or not the employee will remain on full duty or placed in a temporary modified duty or temporary no-duty status.
- E. Temporary modified duty assignments:
  - 1. Will not be made unless and until the member has been evaluated by a competent medical authority, and the need for temporary modified duty status established;
  - 2. Shall not violate any medical restriction that has been placed upon the member's activities;
  - 3. Will not be designated for a specific position, nor shall any existing position be designated or utilized exclusively for personnel on temporary modified duty;
  - 4. Will not be provided if the work proposed to be done while on temporary modified duty does not contribute materially to the agency's mission, and
  - 5. Must fulfill a necessary job function.
- F. Temporary modified duty and temporary no-duty statuses are strictly temporary and normally should not exceed 180 days in duration; however, based on the recommendation of a physician and at the discretion of the Disability Review Board, can be extended an additional 180 days, for a duration never to exceed one year.
- G. Current available temporary modified duty assignments are maintained by the Disability Review Board. No other temporary modified duty assignments are available except those authorized by the Disability Review Board. If no temporary modified duty positions are available, then temporary modified duty is not available and the member will use their own leave, if this is a non work related injury.
- H. Every effort shall be made to assign members to positions consistent with their rank and pay classification. However, where deemed appropriate, personnel may be assigned to positions designated for members of lower rank or pay classification.

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#### **1028.7 TEMPORARY MODIFIED OR TEMPORARY NO-DUTY STATUSES**

##### **A. Procedures for Assignment to Temporary Modified or Temporary No-Duty Status**

1. Upon suffering an injury or illness which prevents the member from continuing in a full duty status, the member will notify both their supervisor and the NRP Human Resources Section, as soon as practical, and forward to them approved medical documentation and the NRP-496-R,
2. The approved medical documentation and the NRP-496-R- will be forwarded to NRP Human Resources Section.
3. NRP Human Resources Section will review and forward the approved medical documentation and the NRP-496-R to the Disability Review Board, who will decide on restrictions, assignment, if available, and will notify the affected member and their commander.
4. NRP Human Resources Section will keep the DNR Human Resource Service informed and involved.
5. When a member is placed on temporary no-duty status, the commander will complete:
  - (a) NRP-832-A, Temporary Modified/No-Duty Status Surrender Checklist.
  - (b) The member will surrender the following to their commander or other designated person:
    1. Firearm(s), magazines and ammunition;
    2. All three badges; and
    3. The Maryland Police and Correctional Training Commission (MPCTC) certification card.
  - (c) The firearm(s), magazines, ammunition, badges, and credentials will be placed in, and remain in the vault associated with the officer's Area/Unit/Section until the officer returns to a duty status that allows them to possess those items.
  - (d) When transferring firearms, members will adhere to Policy 712, Agency Firearm Inventory.
6. Members placed on temporary modified duty status:
  - (a) are relieved of all law enforcement authority;
  - (b) will not take law enforcement action, wear a police uniform or operate a marked vehicle or vessel;
  - (c) will not be placed in confrontational situations such as patrol, emergency details or civil unrest;
  - (d) may work off-duty secondary employment or extra-duty overtime at the discretion of their commander;

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### *Temporary Modified/No-Duty Assignments*

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- (e) may be assigned an unmarked or covert vehicle, if one is available and the employee has been medically cleared to drive by their health care provider, as noted on the approved medical documentation;
  - (f) will communicate and coordinate any required medical and physical therapy appointments in advance with their supervisors;
  - (g) will promptly notify their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals;
  - (h) will communicate a status update to NRP Human Resources Section no less than once every 30 days while assigned to temporary modified duty;
  - (i) shall not operate a state vehicle while off-duty;
  - (j) may be subject to a temporary reassignment that has assigned duties and responsibilities consistent with administrative or medical restrictions;
  - (k) before returning to duty, the Agency may refer the employee to the State Medical Director for evaluation of their fitness to perform assigned duties;
  - (l) if on probation, shall have their probation extended by a period of time equal to their assignment to temporary modified duty;
  - (m) shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions, and shall notify their supervisor of any inability to maintain any certification, training or qualifications;
  - (n) will normally return to their regular assignment, and
  - (o) will submit a written status report to the NRP Human Resources Section that contains a status update and anticipated date of return to full duty when a temporary modified duty assignment extends beyond 60 days.
7. Members placed on temporary no-duty status:
- (a) will surrender the items listed above in paragraph D above within 24 hours of notification;
  - (b) are immediately placed in a non-officer status;
  - (c) are relieved of all law enforcement authority;
  - (d) will not take law enforcement action, wear a police uniform or operate any agency vehicle on- or off-duty;
  - (e) before returning to duty, the Agency may refer the member to the State Medical Director for evaluation of their fitness to perform assigned duties;
  - (f) will normally return to their regular assignment, and
  - (g) will submit a written status report to the NRP Human Resources Section that contains a status update and anticipated date of return to full duty when a temporary modified duty assignment extends beyond 60 days.

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8. NRP Human Resources Section will monitor the duration a member has been on temporary modified duty or temporary no-duty status, or a combination thereof. When five months has passed, the NRP Human Resources Section will instruct the member to provide approved medical documentation to support additional time or an extension of temporary modified duty or temporary no-duty status to be considered by the Disability Review Board.
  - (a) When a member has been on temporary modified duty, or temporary no-duty or a combination thereof for 11 months, NRP Human Resources Section will notify DNR Human Resources and the agency will begin to explore and prepare to implement alternative arrangements.
9. A member on temporary modified or temporary no-duty status will submit updated approved medical documentation, along with a completed NRP-496-R to their supervisor and the NRP Human Resources Section within 24 hours prior to the date the member is to return to work, or whenever the member's duty status or duty restrictions are modified by their physician.
10. The member's supervisor, or person the member reports to while on temporary modified duty will notify the member's commander and the NRP Human Resources Section when the member has been on sick leave for five or more consecutive days.

#### **1028.8 RETURN TO FULL DUTY**

- A. Prior to a member's return to full duty, their supervisor/commander will complete the bottom portion of the NRP-496-R after contacting the Training Unit, to determine the member's eligibility to return to full duty, and will indicate the same on the bottom portion of the NRP-496-R. The supervisor/commander will then submit it to the NRP Human Resources Section.
- B. The Agency may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.
- C. The Disability Review Board shall authorize a member's return to full duty if acceptable approved medical documentation is provided, and authorized by MPTSC, and will advise the NRP
- D. Personnel Section of the authorization; the NRP Personnel Section will then notify the member and their supervisor of the authorization.

An officer shall not return to full duty until notified by the NRP Personnel Section.

#### **1028.9 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Agency will make reasonable efforts

# Maryland Natural Resources Police

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### *Temporary Modified/No-Duty Assignments*

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to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Md. Code SG § 20-609). See Policy 1043, Accommodations for Disabilities Due to Pregnancy.

#### **1028.10 MEDICAL RETIREMENT**

- A. Upon filing for a disability retirement with the Maryland State Retirement and Pension System (MSRPS), sworn members shall be placed on temporary noduty; professional employees may be placed on no-duty as determined by the Disability Review Board.
- B. The member will remain in the duty status determined by the Disability Review Board until the MSRPS has reached an initial decision for approval/disapproval of the application.
- C. Once the MSRPS notifies a member that their request for disability retirement has been approved, the member will contact the NRP Human Resources Section to schedule an appointment to complete the required paperwork and will retire on the first day of the month following notification of approval, unless otherwise determined by the NRP Human Resources Section.
- D. If an employee's request for disability retirement is disapproved by the MSRPS:
  - 1. the employee may contact the NRP Human Resources Section regarding the appeal process; and
  - 2. the Disability Review Board will take appropriate administrative action regarding the member's future duty status.



# Employee Speech, Expression and Social Networking

## 1029.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Maryland Natural Resources Police.

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

## 1029.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Maryland Natural Resources Police. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this agency be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Agency will carefully balance the individual member's rights against the needs and interests of the Agency when exercising a reasonable degree of control over its members' speech and expression.

## 1029.3 USE OF SOCIAL MEDIA

Professionalism is the most significant factor in providing the highest level of service to the public. While NRP employees have the right to use personal/social networking web pages or sites when off-duty, as NRP members, they are public servants who are held to a higher standard than the general public with regard to general and ethical standards. It is the policy of the NRP to maintain a level of professionalism in both on-duty and off-duty conduct and employees shall not engage in conduct that contradicts or impedes the NRP mission.

Employees are prohibited from posting, or in any other way broadcasting or disseminating information on the internet, social networking sites, or other mediums of communication, the business of the Agency or DNR including, but not limited to, the following:

# Maryland Natural Resources Police

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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- (a) Photographs/images, video or audio files, reports, statements or any other documents created or received by the Agency, DNR, any of its members, or that of any allied agency related to any investigation or any other business involving this Agency, DNR, or that of any allied agency. This includes any photograph that could be used to identify anyone as being a police officer of any agency.
- (b) Any other information, to include personal opinion, related to any open investigation involving this Agency, DNR, or that of any allied agency.

#### **1029.4 SAFETY**

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Maryland Natural Resources Police members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover
- Disclosing the address of a fellow agency member
- Otherwise disclosing where another officer can be located off-duty

#### **1029.5 COLLECTIVE BARGAINING**

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

#### **1029.6 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT**

To meet the safety, performance, and public-trust needs of the Maryland Natural Resources Police, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Agency or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Agency and tends to compromise or damage the mission, function, reputation, or professionalism of the Agency or its members. Examples may include:
  - 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.

# Maryland Natural Resources Police

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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2. Expression that demonstrates support for criminal activity.
  3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
  - (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Agency (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
  - (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Agency.
  - (f) Use or disclosure, through whatever means of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the Agency for financial or personal gain, or any disclosure of such materials without the express authorization of the Superintendent or the authorized designee.
  - (g) Addressing public gatherings, appearing on radio or television, or preparing any article for publication in an official capacity without first having obtained permission from their Commanding Officer, PIO, or the Attorney General's Office as appropriate.
  - (h) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses, or images of agency logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Maryland Natural Resources Police on any personal or social networking or other website or web page, without the express authorization of the Superintendent.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 1029.6.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Maryland Natural Resources Police or identify themselves in any way that could be reasonably perceived as representing the Agency in order to do any of the following, unless specifically authorized by the Superintendent (Md. Code LG § 1-303; Md. Code LG § 1-304; Md. Code PS § 3-110; Md. Code SP § 2-304):

- (a) Endorse, support, oppose, or contradict any political campaign, political candidate, or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

# Maryland Natural Resources Police

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication or any motion picture, film, video, public broadcast, or any website.

Additionally, when it can reasonably be construed that a member, acting in the member's individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this agency, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Maryland Natural Resources Police.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of a recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

#### 1029.6.2 POLITICAL ACTIVITY

- (a) Except as noted in this section, employees have the same rights to engage in political activities as any other citizen.
- (b) Politically active employees should familiarize themselves with and will be governed by Election Law Article of the Annotated Code of Maryland.
- (c) Employees involved in political activity on the federal level will be governed by the [Hatch Act](#).
- (d) Employees may engage in any political activity not prohibited by local, state, or federal statutes.
- (e) The Code of Ethics in Title 15, State Government Article, Annotated Code of Maryland, does not prohibit state employees from seeking elective office in a partisan election.
- (f) State employees should be sensitive to ethical considerations in their initial decisions to seek political office and the conduct of their campaigns, including any action during the course of a campaign that may violate the "conflicts provision" of Title 15, State Government Article.
- (g) Employees will not use their official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office.
- (h) Employees will not directly or indirectly coerce, attempt to coerce, command, advise, or promise to reward state or local officer or employee to pay, lend or contribute anything of value to political party, committee, organization, agency or person for political purposes.

# Maryland Natural Resources Police

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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- (i) Employees may not engage in political activity while wearing any portion of the official issued uniform, equipment or while using an official NRP vehicle.

#### **1029.7 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

However, the Agency may not request or require that a member disclose any user name, password, or other means for accessing a personal account or service through an electronic communications device (Md. Code LE § 3-712).

#### **1029.8 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Superintendent or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Agency or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Agency.
- (d) Whether similar speech or conduct has been previously authorized.
- (e) Whether the speech or conduct may be protected and outweighs any interest of the Agency.
- (f) The NRP has a duty to protect the reputation of the organization and its employees, as well as guard against liability and potential legal risk. Therefore, the NRP reserves the right to monitor these websites, and employees are advised of the following:
  - 1. Employees should be aware that the content of these social networking sites can be subpoenaed and used in criminal and civil trials to impeach the employee's testimony or to undermine the employee's character or reputation.
  - 2. Employees should realize that any reference to their employment with the NRP while using social networking environments could compromise their safety and the safety of their family.
  - 3. All electronic communications created, received, or stored on the agency's, Department of Natural Resources (DNR), or State's electronic communications systems are the sole property of the NRP, DNR, and/or State of Maryland, and not the author, recipient, or user.

#### **1029.9 TRAINING**

Subject to available resources, the Agency should provide training regarding the limitations on speech, expression and use of social networking to all members of the Agency.

# Maryland Natural Resources Police

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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#### **1029.10 STATE EMPLOYMENT POLICIES**

##### **2-304 Political activities**

2-307 Use of political influence, influence of State employee or officer or personal influence prohibited

## Workplace Safety and Health

### 1030.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of injury and illness for members of the Maryland Natural Resources Police, in accordance with the requirements of Md. Code LE § 5-101 et seq., Md. Code LE § 5-206, and COMAR 09.12.20.01 et seq.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces injury and illness, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related State-wide safety efforts.

### 1030.2 POLICY

The Maryland Natural Resources Police is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Agency will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, injuries and illness. It is the intent of the Agency to comply with all laws and regulations related to occupational safety.

#### 1030.2.1 WORKPLACE SAFETY AND HEALTH PROGRAM

The Administrative Services Bureau is responsible for representing the Agency on the DNR Risk Management Committee and establishing a process to ensure illnesses and injuries are reported as required under the Maryland Occupational Safety and Health (MOSH) Act (Md. Code LE § 5-702).

Establishing a process to ensure illnesses and injuries are reported as required under the Maryland Occupational Safety and Health (MOSH) Act (Md. Code LE § 5-702).

#### [Domestic Violence and the Workplace](#)

### 1030.3 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

- (a) Ensuring member compliance with injury and illness prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to injury and illness prevention; such forms and reports shall be submitted to the NRP Personnel Section.
- (e) Notifying the Administrative Services Bureau when:

# Maryland Natural Resources Police

## Policy Manual

### *Workplace Safety and Health*

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1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational injuries and illnesses occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

#### **1030.4 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors) (Md. Code LE § 5-104(b)(2)).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on a MOSH-approved reporting form available on the Maryland Department of Labor website. This form should be forwarded to the Administrative Services Bureau via the chain of command.

The Administrative Services Bureau will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

With the exception of police canines and service animals as defined in the "Service Animals" policy, domestic animals are prohibited in all NRP and state facilities.

#### **1030.5 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment (Md. Code LE § 5-206).

NRP facility managers shall ensure that the appropriate documentation is completed for each inspection.



# Maryland Natural Resources Police

## Policy Manual

### *Workplace Safety and Health*

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#### 1030.5.1 EQUIPMENT

Members are charged with daily pre-patrol inspections of their assigned equipment (e.g., vehicles/ vessels, PPE ) prior to working in the field. Members shall notify their supervisor if they discover unsafe working conditions or equipment.

#### 1030.6 INVESTIGATIONS

Any member sustaining any work-related injury or illness, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors (Md. Code LE § 5-206).

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an investigation/corrective action report.
- (h) Completion of a hazards and correction record form.

Additionally the supervisor should proceed with the steps to report an on-duty injury, as required under the Work-Related Injury and Illness Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

#### 1030.7 TRAINING

The Administrative Services Bureau should work with the Support Services Bureau to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided (Md. Code LE § 5-206):

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Agency is made aware of a new or previously unrecognized hazard.

# Maryland Natural Resources Police

## Policy Manual

### *Workplace Safety and Health*

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#### 1030.7.1 TRAINING TOPICS

The Support Services Bureau shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.
- (o) Agency and employee rights and responsibilities.
- (p) Emergency Action Plan and/or Fire Prevention Plan.
- (q) Workplace safety plan.

#### 1030.8 RECORDS

Records and training documentation relating to injury and illness prevention will be maintained in accordance with the established records retention schedule.

## Line-of-Duty Deaths

### 1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Maryland Natural Resources Police in the event of the death of a member occurring in the line of duty and to direct the Agency in providing proper support for the member's survivors.

The Superintendent may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

#### 1031.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties. For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 1031.2 POLICY

It is the policy of the Maryland Natural Resources Police to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this agency to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### 1031.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the appropriate Commander and the Communications Center.
  - (a) Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Commanders should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

# Maryland Natural Resources Police

## Policy Manual

### *Line-of-Duty Deaths*

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- (c) If the member has been transported to the hospital, the Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Superintendent or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Agency Liaison as soon as practicable (see the Notifying Survivors section and the Agency Liaison and Hospital Liaison subsections in this policy).

#### **1031.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Superintendent or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Superintendent, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the local or allied clergy.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in agency vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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## Policy Manual

### *Line-of-Duty Deaths*

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- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Agency Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Agency Liaison.
- (m) Inform the Superintendent or the authorized designee once survivor notifications have been made so that other Maryland Natural Resources Police members may be apprised that survivor notifications are complete.

#### 1031.4.1 OUT-OF-AREA NOTIFICATIONS

The Agency Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Agency Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the agency member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Agency Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Agency to pay travel expenses without the authorization of the Superintendent.

#### 1031.5 NOTIFYING AGENCY MEMBERS

Supervisors or members designated by the Superintendent are responsible for notifying agency members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

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### *Line-of-Duty Deaths*

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Supervisors should direct members not to disclose any information outside the Agency regarding the deceased member or the incident.

#### **1031.6 LIAISONS AND COORDINATORS**

The Superintendent or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Agency Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Agency Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available agency resources. The Agency Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

##### **1031.6.1 AGENCY LIAISON**

The Agency Liaison should be a Bureau Commander or of sufficient rank to effectively coordinate agency resources, and should serve as a facilitator between the deceased member's survivors and the Agency. The Agency Liaison reports directly to the Superintendent. The Agency Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.

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### *Line-of-Duty Deaths*

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- (g) Ensuring that agency members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.
- (j) Ensure that the injured or deceased officer's immediate supervisor has filed a first report of injury and associated reports with Worker's Compensation.

#### 1031.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
  - 1. The survivors and others whose presence is requested by the survivors.
  - 2. Agency members and friends of the deceased member.
  - 3. Media personnel.
- (c) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Maryland Natural Resources Police members (except for members who may be guarding the suspect).
- (d) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
  - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Ensure hospital bills are directed to the Agency, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.

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- Arrange to provide security to the injured employee, including the screening of telephone calls and visitors.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

#### 1031.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Agency Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term agency contact for survivors. This position is not a decision-making position, but is rather a "facilitator" type of position between the family and the Agency.

The Survivor Support Liaison should be selected by the deceased member's Bureau Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Ensure the needs of the family/survivors come before the wishes of the Agency.
- (b) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (c) Communicating with the Agency Liaison regarding appropriate security measures for the family residence, as needed.
- (d) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (e) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (f) Returning the deceased member's personal effects from the Agency and the hospital to the survivors. The following should be considered when returning the personal effects:
  1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).



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4. The return of some personal effects may be delayed due to ongoing investigations.
- (g) Assisting with the return of agency-issued equipment that may be at the deceased member's residence.
  1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (h) Working with the CISM Coordinator to ensure that survivors have access to available counseling services.
- (i) Coordinating with the agency's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (j) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (k) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (l) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (m) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (n) Inviting survivors to agency activities, memorial services, or other functions as appropriate.
- (o) Coordinating with the Funeral Liaison Officer and assisting the family /survivors with funeral arrangements.
- (p) Coordinating with the Benefits Coordinator and others to identify all support services available to the family and working on their behalf to secure any services necessary.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Agency recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Agency to facilitate communications necessary to the assignment. The agency-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 1031.6.4 CRITICAL INCIDENT STRESS MANAGEMENT (CISM) COORDINATOR

The CISM Coordinator should work with the Superintendent or the authorized designee, liaisons, and coordinators and other resources to make CISM and counseling services available to

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members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM Coordinator include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Recommend that members who were involved in or witnessed the incident are relieved of agency responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

#### 1031.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Agency Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison shall be a commissioned officer with the authority to effectively commit, assign and coordinate agency resources. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director, family clergy, or cemetery director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Agency, including, but not limited to the following:
  - (a) Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Rifle salute
  - (b) Bagpipers/bugler
  - (c) Uniform for burial
  - (d) Flag presentation

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- (e) Last radio call
- (d) Briefing the Superintendent and command staff concerning funeral arrangements.
- (e) Prepare an Incident Action Plan (IAP) detailing the funeral event.
- (f) Being available to the family/survivors prior to and throughout the wake and funeral.
- (g) Assigning an officer to remain at the family home during the viewing and funeral.
- (h) Arranging for transportation of the survivors to and from the funeral home and interment site using agency vehicles and drivers.

#### 1031.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Agency Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Maryland Natural Resources Police members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Superintendent should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

#### 1031.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Contacting the appropriate personnel without delay to ensure that the beneficiary receives death and retirement benefits, the member's remaining paychecks, and payment for any remaining compensatory or annual leave.
- (b) Confirming the filing of workers' compensation claims and related paperwork (see the Workplace Safety and Health Policy).
- (c) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - (a) Public Safety Officers' Benefits (PSOB) Programs.
  - (b) Public Safety Officers' Educational Assistance (PSOEA) Program as applicable (34 USC § 10281 et seq.).
  - (c) Social Security Administration.
  - (d) Department of Veterans Affairs.

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- (d) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. State death and funeral benefits (Md. Code PS § 1-202)
  - 2. Pension death benefits (Md. Code SP § 29-201 et seq.)
  - 3. Educational benefits (Md. Code ED § 18-601)
- (e) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (f) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (g) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (h) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (i) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

#### 1031.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Superintendent and the Agency Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

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#### **1031.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the agency's PIO should be the agency's contact point for the media. As such, the PIO should coordinate with the Agency Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that Agency members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - (a) Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - (b) Ensure that important public information is disseminated, such as information on how the public can show support for the Agency and deceased member's survivors.
  - (c) Ensure that release of information is in a media release format and distributed amongst staff so that everyone has the same information and only that information is released.
- (d) Arrange for community and media briefings by the Superintendent or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to agency members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

#### **1031.8 INVESTIGATION OF THE INCIDENT**

The Superintendent shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

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Involved agency members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

#### **1031.9 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Superintendent may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

#### **1031.10 NON-LINE-OF-DUTY DEATH**

The Superintendent may authorize certain support services for the death of a member not occurring in the line of duty.

# Employment Separation

## 1033.1 PURPOSE AND SCOPE

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

## 1033.2 POLICY

Employment separations shall be in accordance with established policy, procedure, and as outlined in the State Personnel and Pensions Article.

## 1033.3 DEFINITIONS

**Good Standing** – A status of a current law enforcement officer who does not have any open or unresolved administrative complaints or criminal charges relating to his/her police employment that likely would result in termination of employment; or a status of a former law enforcement officer who was not dismissed from police employment for actions that violated the mission, vision and core values/code of ethics of the agency, and/or who did not have any open or unresolved administrative complaints or criminal charges that likely would have resulted in termination of employment at the time of separation from service.

## 1033.4 OFFICER'S SUPERVISOR'S RESPONSIBILITY

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

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

Ensure all agency property is returned.

If all property is not returned the supervisor shall have the separating employee submit a memorandum to the NRP Review Board detailing the lost or missing items.

If the Colonel or Lt. Colonel are separating employment the Chief of Staff shall complete this paperwork.

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#### **1033.5 OFFICER'S COMMANDER'S RESPONSIBILITIES**

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

If an employee is retiring, the officer's commander will notify the Chief of Staff via email as soon as they become aware of the employee's impending retirement so that retirement mementos can be ordered, and coordinate with the Superintendent's administrative assistant a meeting between the retiree and the Colonel sometime during the retiree's last week of work, so that the Colonel can present the credentials to the retiree.

#### **1033.6 OTHER RESPONSIBILITIES**

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

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

The approved report will be sent to the Personnel Support Section for inclusion into the separated employee's personnel folder.

#### **1033.7 VOLUNTARY SEPARATIONS**

Voluntary Separation means one of the following types of employment separations:

- (a) Retirement
  - 1. Service retirement
  - 2. Ordinary disability retirement
  - 3. Accidental disability retirement
- (b) Vested separation
  - (a) An employee who has earned at least 10 years of eligibility service but has not reached age 50 or 25 years of eligible service.
- (c) Resignation
  - 1. General resignation
  - 2. Leave of absence

When considering a general resignation or a leave of absence, the employee should meet with the NRP's Personnel Support Section to weigh all options available. The Personnel Support Section will provide information pertaining to reinstatement rights and benefits that may be available to the employee. For all employment separations, the employee is encouraged to submit the Civilian Separation Clearance (NRP-490E) at least two weeks before their last working day.



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For all voluntary separations, officers shall notify the Superintendent of their intent to end their employment with the Agency by completing and forwarding through their chain-of-command the Employment Separation Notice (NRP-490N) at least 30 days before their last working day.

Once notice is given, the officer will be placed on administrative duties during the last 30 days of their law enforcement employment. During this time the Commander shall:

- (a) Complete the separation processing.
- (b) Assign an unmarked patrol vehicle to the officer if available.
- (c) Advise the officer to refrain from becoming involved in any new investigations or cases, so as to ensure an efficient separation process.

Exit interviews:

- (a) The purpose of an exit interview is as follows:
  - 1. To obtain information that may be useful for developing and enhancing employment practices, policy, legislative proposals, training needs, employee development, etc. based on their experience
  - 2. To identify the specific reason(s) for employment separation.
- (b) The following topics are offered as issues for general discussion during an exit interview. Any one item or an accumulation of items may have contributed to a resignation or be a concern of the retiree, and upon identification, should be thoroughly explored.
  - 1. Administration
  - 2. Continuing education
  - 3. Employee benefits
  - 4. Employ recognition
  - 5. Intra-NRP communication
  - 6. Job satisfaction
  - 7. Motivation
  - 8. Other employment
  - 9. Personal problems
  - 10. Personal practices
  - 11. Salary
  - 12. Training
  - 13. Upward mobility
  - 14. Working conditions
- (c) At the request of the employee, the supervisor conducting the exit interview shall prepare a memo and forward it to the appropriate level of command.

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### *Employment Separation*

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#### Retirements:

- (a) Retirements shall be governed by the applicable provisions of the State Personnel and Pensions Article, Annotated Code of Maryland.
- (b) Official Retirement Credentials - To ensure credentials are available upon retirement, you must contact the Chief of Staff via email at least 30 days prior to retirement and provide the below information. Note that retirement credentials take between 6 and 8 weeks to fabricate; therefore, personnel are encouraged to make notification as soon as possible.
  - 1. Rank, full name, ID number, sworn start date, last day of service, home zip code, and a phone number where you can be reached (not a state cell phone)
- (c) Members will receive:
  - 1. Retirement badge (Start date and official end date of employment required for back of badge).
  - 2. Retirement identification card
  - 3. NRP Certificate (only provided upon request)
  - 4. Governor's Citation, Subject to State House availability
  - 5. Senate and/or House Resolution(s), subject to Senate/Delegate availability
- (d) Agency Issued Handgun – Retiring officers may be eligible to purchase their assigned firearm(s). Refer to Policy 307, "Firearms", and Procedure 702, "Retiring Officer Handgun Buy-Back Program", for further information.

#### Resignations:

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

### **1033.8 INVOLUNTARY SEPARATIONS**

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

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

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### *Employment Separation*

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Recommendations for terminating an officer's employment with the Agency can be initiated from one of the entities listed below:

- (a) Supervisor
- (b) Commander
- (c) Hearing Board

Recommendations for terminating a probationary officer may be initiated at any supervisory level.

Members involuntarily separated from employment are not eligible to buy-back their agency-owned firearm(s).

#### 1033.8.1 DOCUMENTATION FOR TERMINATION

Recommendations for terminating an employee shall be made by a detailed report submitted through the chain-of-command to the Superintendent.

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

Reports recommending termination shall contain detailed information citing specific examples of unacceptable behavior that substantiate the recommendation for termination, supported by the following:

- (a) Documents
- (b) Work performance
- (c) Witness Statements
- (d) Dates
- (e) Times
- (f) Results of any administrative or criminal investigations
- (g) Test results (e.g., PBT, breathalyzer, chemical), photographs, etc.

In addition to citing the work performance:

- (a) Submit the corrective action plan.
- (b) Each level of command will prepare a report detailing their involvement and/or participation in correcting the employee's unacceptable work performance.
- (c) All levels of command shall endorse the report if in agreement. Any level of command, not in agreement with the recommendation shall prepare a detailed report.

#### 1033.8.2 HEARING BOARD

Hearing Board recommendations for an officer's termination shall follow the established procedures enumerated in this manual and the Annotated Code of Maryland.

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

#### 1033.8.3 NOTIFICATION

Whenever an officer is involuntarily separated from employment, the Superintendent shall direct a letter to the officer containing the following:

- (a) The reason for separation
- (b) The effective date of separation

#### 1033.9 BENEFITS UPON INVOLUNTARY SEPARATION

Whenever an employee is involuntarily separated, the NRP Personnel Support Section in cooperation with DNR Human Resources will assist the employee with separation and benefit paperwork.

#### 1033.10 EMPLOYMENT SEPARATION BY DEATH

Following an employee's death, the employee's commander will, at the appropriate time, secure the employee's equipment and identification cards from the family or survivors of the deceased.

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

For deceased employees in good standing, the Superintendent or their designee will secure and present the following to family or survivors of the deceased:

- (a) Certificate of Appreciation for the deceased employee's service.

#### 1033.11 RETURN OF AGENCY EQUIPMENT

Upon collecting the items listed in Part 1, Sections A-C of the NRP-490C, make disposition of the items as follows:

ITEM(S)	DISPOSITION
Handgun	Supply and Maintenance Unit Commander
Shotgun	
Rifle	
All ammunition	
Vehicle and equipment	Area/Unit Commander
Portable radio	Supply and Maintenance Unit Commander
Cellular telephone	LE Tech Support
Laptop computer	LE Tech Support
Fuel system card	NRP Fleet Manager
Corporate credit card	NRP Fiscal Support
State ID card	NRP Personnel Support
USF&W Deputy ID	NRP Personnel Support

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### *Employment Separation*

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Officer ID	Police Academy
MPCTC ID	
JEA MNFS Deputy ID	JEA Coordinator
Task Force ID	SOD Commander
Covert Ops ID	
2 breast badges	Quartermaster
Wallet badge	Quartermaster
DNR Citation book	DNR Records Section
DNR Warning book	
Criminal Citation book	
Motor Vehicle Citation book	
Juvenile/Civil Citation book	
Uniform Mun. Civ. Citation book	
Other books - Order of Driver Suspension	

## Early Warning Identification System (EWIS)

### 1034.1 PURPOSE AND SCOPE

The Maryland Natural Resources Police have a responsibility to its officers and the citizens that they serve. Part of this responsibility is to assist those officers who show symptoms of job stress and job performance problems.

NRP officers experience high levels of job stress that may have or potentially cause a negative impact on the officer's job performance.

Officers experiencing high stress may exhibit prolonged tension, low morale, and irritability, which sometimes leads to less than optimal officer conduct towards peers and citizens.

It is the intention of the NRP to reduce the number of citizen complaints and officer misconduct incidents through the implementation of an Early Warning Identification System (EWIS).

### 1034.2 POLICY

It is the policy of the NRP to utilize an Early Warning Identification System (EWIS) to provide an accurate and timely means of tracking significant or potentially stressful events and patterns of conduct that could impact an officer's performance and well-being. This will assist the NRP with identification of early intervention or training opportunities.

### 1034.3 BACKGROUND

The NRP must strive for consistency when tracking an officer's career path.

The EWIS allows for the monitoring of stressors, which can impact an officer's behavior.

A review will be conducted of all complaints received by NRP to develop an Officer Profile for all officers.

### 1034.4 DESCRIPTION OF THE EWIS

- (a) The NRP EWIS is designed to track events that may be detrimental to an officer's well being.
- (b) The NRP EWIS is designed to promote communication between the supervisor and the officer.
- (c) The NRP EWIS is designed to provide assistance for those officers who demonstrate a pattern of officer stress.
- (d) Notifications from the EWIS are considered confidential and are only shared within the officer's chain of command.
- (e) EWIS information will not be placed in the officer's personnel file.
- (f) The goal of EWIS is to provide timely intervention when officers are experiencing problems and to prevent them from rising to a level where discipline becomes necessary.

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### *Early Warning Identification System (EWIS)*

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- (g) Provides a systematic review of significant events such as complaints, use of force, Agency accidents, and critical incidents, involving agency officers.

#### **1034.5 OFFICER PROFILES**

- (a) Officer profiles consist of events such as:
  - 1. Complaints
  - 2. Use of Force Incidents
  - 3. Departmental Accidents
  - 4. Critical Incidents
- (b) Each event will include the:
  - 1. Nature of the event
  - 2. Case number
  - 3. Disposition
- (c) Will be maintained by the Internal Affairs Unit.
- (d) Officer profiles are available to the officer and appropriate supervisors and commanders.
- (e) Officer profiles provide good indicators of short and long-term patterns of officer behavior and performance histories.
- (f) Officer profiles can assist in identifying training needs for agency officers.

#### **1034.6 EWIS REPORTS**

- (a) Reports will be generated on a bi-annual basis.
- (b) Lists officers who have been subject to a complaint during the previous reporting period.
- (c) The reports will consist of:
  - 1. Officer's name and ID number.
  - 2. Name of officer's supervisor.
  - 3. Nature and a brief description of the complaint.
  - 4. Disposition of complaints.
  - 5. The extent of injuries in each complaint
  - 6. IAU Number - in those cases where an IAU number has been issued.

#### **1034.7 IAU COMMANDER'S RESPONSIBILITY**

- (a) Compiles the bi-annual reports.
- (b) Submits reports to the affected officer's supervisors through the chain of command.
- (c) Monitors the master officer profile list for alerts of potential officer stress problems.

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### *Early Warning Identification System (EWIS)*

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#### **1034.8 COMMANDER'S RESPONSIBILITY**

- (a) When a commander receives a report for an affected officer, the commander will monitor the officer's behavior for additional indicators of stress.
- (b) When a commander receives a report indicating two or more complaints and/or a combination of complaints and use of force incident during the previous period the commander will conduct a formal interview with the officer.
- (c) If in the commander's assessment the officer is exhibiting stress-related behavior, there are several options the commander can initiate:
  - 1. Refer the officer, voluntarily or mandatorily to the Department's Officer Assistance Program.
  - 2. Refer the officer to the Agency Critical Incident Stress Management Team.
  - 3. Change the officer's duty status when necessary, with approval of the NRP Disability Panel.
  - 4. Initiate formal counseling or corrective action as appropriate.

#### **1034.9 ANNUAL REVIEW OF IAU COMPLAINTS**

An annual review will be conducted of the officer profiles sheet to monitor intervention programs and to identify officers who may be in need of remedial training.



# Critical Incident Stress Management (CISM) Program

## 1035.1 PURPOSE AND SCOPE

The main purpose of this policy is to provide guidelines for the NRP's Critical Incident Stress Management (CISM) program, which is designed to ensure that members who are involved in traumatic events receive stress management education and support. NRP recognizes that law enforcement work often exposes members to emotionally painful and highly stressful situations. Such encounters can adversely affect a member's quality of life and job performance. This program is also available to provide services to all NRP members who experience traumatic or stressful events outside of a law enforcement context.

Through the CISM program, NRP will help members and their families maintain their professional and personal wellness following a critical incident. The program is designed to provide members with prevention and early intervention strategies to help mitigate the painful effects of a critical incident, as well as to provide on-going support to members in a safe and confidential environment.

### 1035.1.1 DEFINITIONS

Definitions related to this policy include:

**Acute Stress Disorder (ASD)** - Also called acute stress reaction, psychological shock, mental shock, or simply shock, is a psychological condition arising in response to a terrifying or traumatic event. The onset is due to the person either being ensnared-in or witnessing an event that causes the individual to experience extreme, disturbing or unexpected fear, stress or pain, and that involve or threatens serious injury, perceived serious injury, or death to themselves or someone else.

**Critical Incident** - Any situation faced by employees and their family members that could possibly cause them to experience unusually strong emotional reactions that have the potential to interfere with their ability to function, either at the scene of the incident or at a later time.

**Critical Incident Stress Debriefings** - A formal individual or group discussion conducted by a licensed qualified mental health professional and/or CISM Team member that is designed to help participants understand their emotional response to a critical incident and strengthen their coping mechanisms following the incident. Such debriefings include discussions of involvement, thoughts, and reactions resulting from the incident. Discussion of typical stress-related symptoms will also be included. This is not an operational critique of the incident. The purpose is to facilitate normal, emotional, and psychological recovery from the incident.

**Critical Incident Stress Defusing** - A voluntary individual or group meeting held shortly after a critical incident aimed to educate, inform, and assess the needs of the employees exposed to the incident. It is a brief process that, in most cases, is considered sufficient to assist the employee in coping with the aftermath. A Critical Incident Stress Defusing is conducted by a member/members of the DNR CISM team.

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### *Critical Incident Stress Management (CISM) Program*

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**Critical Incident Stress Management** - Recommended techniques & resources used to assist an individual who has been involved in a traumatic event to return to or maintain an effective level of functioning.

**Critical Incident Stress Management Team** - Small groups of professionals and employees who assist employees and their families who are experiencing difficulty in coping with a critical incident.

**Involved Personnel** - Any employee who is directly affected by a critical incident; this may include officers who are on the scene at the time of the incident, those who respond to the scene immediately following the incident, and support personnel participating in the response to the incident, such as Police Communication Operators, Cadets, Reserve Officers, etc.

**Peer Responder** - Employees who volunteer in the CISM program who receive specialized training and utilize recognized methods of dealing with stress.

**Post-Traumatic Stress Disorder (PTSD)** - A group of symptoms, such as disturbing recurring flashbacks, avoidance or numbing of memories of the event, and hyperarousal, continuing for more than a month after the occurrence of a traumatic event.

#### **1035.2 POLICY**

It is the policy of the Maryland Natural Resources Police (NRP) to lend support and to listen to those members who need guidance to cope with an emotional trauma of the moment.

The NRP participates as part of the DNR Critical Incident Stress Management program. This policy, which establishes the participation of the NRP as part of the DNR Critical Incident Stress Management program, is not designed to replace the professional services available to agency members.

#### **1035.3 BACKGROUND**

- (a) Traumatizing incidents can have a deep and prolonged emotional impact on those involved. Symptoms of post-traumatic incident stress can include nightmares, sleeplessness, lethargy, acute anxiety, morbidity, loss of appetite, etc.
- (b) To address this problem, health care professionals and trained counselors across the nation are now a regular part of recovery programs after traumatizing events.
- (c) Emotional situations may have a negative impact on personnel performance and, in extreme instances, may present a danger to the welfare and safety of the employee, the employee's family, the general public, and fellow employees.
- (d) CISM provides professional psychological services and peer support to NRP employees and their families following a critical incident.
- (e) All employees affected by a critical incident are encouraged to voluntarily participate in Critical Incident Stress Defusings and Debriefings; participation will not be considered a determining factor in their fitness for duty.

Peer Responders have the following personal characteristics:

- Demonstrates qualities of effective communication and listening skills.

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### *Critical Incident Stress Management (CISM) Program*

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- Demonstrates approachability and rapport with one's peers.
- A credible reputation as someone whom others trust, and who keeps disclosures confidential.
- Demonstrates compassion and empathy for the problems of others.
- Has the composure and skills to deal effectively in an atmosphere of crisis and personal distress.
- Has an understanding of human emotions, crisis, stress management, and traumatic impact on human functioning.
- Emotionally stable and mature.
- Willingness to work as a team member, within one's limits and under clinical and administrative supervision.
- Willingness to be available and flexible in accommodating fellow employees in crisis.
- Able to follow established criteria, protocols, ethics and interventions set forth by the standard of care and sound assessment of need.

#### **1035.4 RESPONSIBILITIES**

- (a) The NRP should maintain enough trained CISM Team members to provide adequate support that meets the geographic and staffing needs of the Agency.
- (b) A certified mental health provider will serve as the Clinical Director for the CISM Team.
- (c) The NRP will select a CISM Team member to serve as the NRP CISM Team Coordinator. The Coordinator serves as the liaison with the Clinical Director and other DNR CISM Team Coordinators and will coordinate all CISM for employees affected by a critical incident.
- (d) The NRP CISM Team Coordinator is responsible for administrative duties for the NRP team and for managing the NRP team's activities and training. The Coordinator will work with the DNR CISM Team Coordinator and both shall report to the DNR CISM Clinical Director.

#### **CISM Team Members:**

- (a) A team member must be:
  - 1. Willing to respond to calls on an as-needed basis.
  - 2. Trained in the management of critical incidents and re-trained annually.
- (b) Must obtain supervisory approval.
- (c) Must have two years full-time employment with the NRP.
- (d) Must successfully complete the interview process.
- (e) Must successfully complete basic training courses.
- (f) Participation is on a voluntary basis.
- (g) Participation requires travel for CISM debriefings.

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- (h) Participation requires attendance at scheduled quarterly meetings.
- (i) Must obtain Basic 3-day training on group and individual debriefing. Training is assigned after appointment to the CISM team.
- (j) Participation requires the ability to participate in phone calls and site visits when assigned. (three to five times per year or more if possible).
- (k) Team members will:
  - 1. For Critical Incident Stress Defusings, assist the CISM Clinical Director in understanding the policies of the NRP and will help facilitate the timely meeting of the affected personnel.
  - 2. For Critical Incident Stress Debriefings, serve as the link between the employee and the CISM Clinical Director.

#### 1035.4.1 CONFIDENTIALITY

- (a) CISM members are obligated to maintain strict confidentiality regarding defusings and debriefings, including the names of those employees who attend.
- (b) Any information disclosed will be considered confidential with no bearing on fitness for duty or internal investigations, except as enumerated elsewhere in this policy.
- (c) CISM members will sign a confidentiality agreement.
- (d) CISM members are prohibited from making notes or recordings while providing support.
- (e) Other NRP employees will not question CISM members regarding a defusing or debriefing, or inquire as to which individuals attended.
- (f) The NRP will not seek any clinical information from CISM members regarding their role as CISM members.
- (g) NRP employees who violate confidentiality will immediately be removed from the CISM pending an investigation, and may be subject to disciplinary action.
- (h) Exceptions to confidentiality that must be immediately reported to the Medical Director are:
  - 1. Threats of suicide or injury to others.
  - 2. Admissions or threats of serious unlawful conduct.
  - 3. Admissions of child abuse or domestic violence.
  - 4. Other situations as required to do so by law.

#### 1035.5 IMMEDIATE RESPONSE FOLLOWING A CRITICAL INCIDENT

Whenever there is reason to believe a member may experience physical, cognitive, emotional, and/or behavioral reactions to a critical incident or other stressors, supervisors shall provide appropriate emotional support and resources. Incidents could include:

- (a) The member is involved in a police-involved shooting.

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- (b) The actions of the member, whether accidental or deliberate, result in the death or serious injury of a person.
- (c) The death or serious injury of an employee.
- (d) The member is involved in a critical or stressful incident.
- (e) The member is present at the death or serious injury of any person.
- (f) The member has experienced a critical incident in an off-duty capacity.

Whenever possible, supervisors should briefly meet with the involved member(s) to:

- (a) Ask supportive questions concerning the critical incident.
- (b) Provide information about, and encourage the use of the NRP's Critical Incident Stress Team, Chaplaincy program, and/or confidential mental health services.

#### **1035.6 POST-INCIDENT STRESS DEBRIEFING/DEFUSING PROCEDURES**

Attendance at a critical incident stress debriefing/defusing will in no way jeopardize the member's job security, promotional opportunities, and/or reputation within NRP. The debriefing process is not a critique of any actions taken by the member and shall not serve as the basis for disciplinary action.

- (a) Commanders who identify members within their command, who are exhibiting signs of distress or difficulty coping with a critical incident, may recommend a post-incident debriefing/defusing.
- (b) Because a critical incident debriefing/defusing is most effective when it takes place within the first 24 to 48 hours following the incident, the supervisor shall make every effort to schedule the session within this timeframe. If the defusing/debriefing(s) cannot be scheduled within 24 to 48 hours, the supervisor shall explain the reasons for any delay in writing to the Commanding Officer of the involved member.
- (c) With approval from the Commanding Officer, supervisors may request a critical incident debriefing/defusing in response to other stressful incidents that may not rise to the level of a mandatory referral.
- (d) In some instances, a member might consider an event traumatic, even though the member's Command has not required a debriefing/defusing. In such cases, the member may request the assistance of the CISM Team themselves.
- (e) An employee who does not respond to a CISD debriefer may request further assistance. The employee, a supervisor or the commander may request that the employee be referred to the State Medical Director. The CISD debriefer may also advise the commander that further assistance is needed. In these instances, the request will be forwarded to the NRP Personnel Support section for further action through the State Medical Director's office.
- (f) Voluntary follow-up CISM services will be made available to every member who participates in a critical incident stress debriefing/defusing. In order to promote trust and encourage a member's full use of these services, all additional follow-up CISM shall remain confidential, as described above, and free-of-charge. NRP strongly encourages members to take advantage of all support services offered.

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- (g) Life-threatening use-of-force and other critical incidents have the potential to emotionally impact a member's family who often provide valuable support following these incidents. These services are available to family members on a confidential basis and at no cost to the members or their families.

## Leave

<b>Effective Date:</b>	11/09/21
<b>Revised Date:</b>	REVIEWED--08/17/23
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--09/01/24	

### 1036.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the earning, usage and reporting of leave.

### 1036.2 POLICY

It is the policy of the NRP to manage leave in accordance with State Personnel and Pensions guidelines and labor agreements.

For information on sick leave, see the Sick Leave Policy.

For information on compensatory time, see the Compensation Policy.

### 1036.3 DEFINITIONS

**Holiday Leave** - Paid leave for the days specified in State Personnel & Pensions Article (SPP) 9-201 through 9-205 and COMAR 17.04.11.08.

**Annual Leave** - Paid leave specified in SPP 9-301 through 9-308, earned at the rate outlined in SPP 9-302 and COMAR 17.04.11.04.

**Personal Leave** - Paid leave specified in SPP 9-401 through 9-404, earned at the rate outlined in SPP 9-401 and COMAR 17.04.11.09.

**Sick Leave** - Paid leave specified in SPP 9-501 through 9-508, earned at the rate outlined in SPP 9-502 and COMAR 17.04.11.05.

**Compensatory Leave** - Paid leave described and earned as specified in SPP Title 8, Subtitle 3 and COMAR 17.04.11.02.

**"X Day"** - A designation used to identify a member's regular day off. It is not "leave."

### 1036.4 WORK AND LEAVE RECORDS

Request for Leave (Form NRP-207)

- (a) Annual, Personal, Holiday, Compensatory, and the other various types of leave shown in a member's leave balance in Workday may be requested for use by submitting a NRP-207, Request for Leave, to their supervisor. In authorizing leave, supervisors and commanders shall neither request nor require a reason from the employee as to why the leave is being requested.
- (b) A supervisor will return the signed NRP-207 to the employee within 10 calendar days indicating the leave is approved or disapproved.

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- (c) Once leave has been approved, it will not be canceled unless extenuating or emergency conditions are anticipated or exist.
- (d) Members may not request regular days off (X Days) on an NRP-207. They may, however, be included on a NRP-207 if attached to three or more days of various types of leave found in the member's Workday leave balance.

#### Monthly Record of Approved Leave (Form NRP-308)

- (a) A record of approved leave shall be maintained by each Area/Unit and will be made available for employees to review.
- (b) Before approving an employee's leave request, the employee's supervisor shall review the Record of Approved Leave and discuss the request with the Area/Unit Commander to ensure that the leave will not seriously harm the Area/Unit's staffing levels.

#### **1036.5 ANNUAL LEAVE (AL)**

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

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

Leave balances can be found and remain current within Workday.

#### **1036.6 PERSONAL LEAVE (PL)**

Personal Leave is governed by statute, the State Personnel and Pensions Article, Title 9, Subtitle 4, § 9-401 through § 9-404 of the Annotated Code of Maryland, and COMAR 17.04.11.09.

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

#### **1036.7 BEREAVEMENT LEAVE (BL)**

Bereavement Leave is governed by COMAR 17.04.11.06.

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

A maximum of 5 working days, depending on need, may be charged to sick leave in the event of death of one of the following members of the immediate family:

- (a) Spouse;
- (b) Children, including foster and stepchildren;
- (c) Parents, stepparents or foster parents of the employee or spouse, or others who took the place of parents;
- (d) Legal guardians of the employee or spouse;
- (e) Brothers and sisters of the employee or spouse;
- (f) Grandparents or grandchildren of the employee or spouse; and



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- (g) Other relatives living as a member of the employee's household.

An employee may elect to receive up to 3 days of bereavement leave with pay, instead of using 3 of the 5 sick days that an employee is allowed to use upon the death of the following members of the employee's immediate family:

- (a) Spouse;
- (b) Children, including foster and stepchildren;
- (c) Parents, stepparents, or foster parents of the employee;
- (d) Brothers and sisters of the employee;
- (e) Grandparents and grandchildren of the employee.

A maximum of 1 working day may be charged to sick leave in the event of the death of one of the following relatives:

- (a) Aunts and uncles of the employee or spouse;
- (b) Nephews and nieces of the employee or spouse;
- (c) Brothers-in-law and sisters-in-law of the employee or employee's spouse; and
- (d) Sons-in-law and daughters-in-law.

If additional time is required by the employee, the supervisor shall make reasonable efforts to arrange the employee's work so that the employee may take other accrued leave for this purpose.

#### **1036.8 REGULAR DAY OFF (X- DAY)**

Officers will be scheduled for eight regular days off in a 28-day work period. X-days are not leave and cannot be requested on an NRP-207, EXCEPT when the requested X day(s) is/are attached to three or more days of the various types of leave found in the member's Workday leave balance.

The scheduling of X-days is subject to supervisory approval. Supervisors must have the flexibility to schedule member's regular days off around other members' approved leave and agency needs.

Upon request of a member, no more than 14 days prior to the publishing of a work schedule, a supervisor may consider substituting X days for other categories of leave previously approved on a NRP-207.

#### **1036.9 HOLIDAY LEAVE (HL)**

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

Employees, whose holidays are not pre-scheduled by the employer, are entitled to the following:

State holidays, or as designated by the Governor.

- (a) New Year's Day
- (b) Martin Luther King, Jr. Day
- (c) President's Day

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- (d) Memorial Day
- (e) Juneteenth National Independence Day
- (f) Independence Day
- (g) Labor Day
- (h) Columbus Day
- (i) Election Day (in an election year)
- (j) Veteran's Day
- (k) Thanksgiving Day
- (l) American Indian Heritage Day
- (m) Christmas Day

For officers and Police Communications Operators, alternate holiday scheduling provides one holiday to be taken each month. However, in an election year, one additional holiday is provided

Total holiday hours are loaded into Workday at the beginning of each calendar year; however, employees are only entitled to use one holiday per month.

A minimum of one holiday shall be scheduled each month. If circumstances prevent supervisors from scheduling the holiday during the month, supervisors shall ensure the holiday is scheduled within 30 days from the month the holiday was earned. All holidays shall be scheduled and taken before the end of the calendar year.

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

NRP sworn personnel and Police Communications Operators (PCO) who are eligible to receive cash over time and who are required by the supervisor to work a holiday that was designated as pre-scheduled shall receive payment for the number of hours scheduled at the employee's regular rate of pay and shall be compensated at the rate of time and one-half for the number of hours actually worked on a pre-scheduled holiday.

An employee may request a schedule change for a pre-scheduled holiday. If the supervisor approves the requested schedule change, every attempt shall be made to reschedule the holiday in the same month. In any case, the holiday shall be rescheduled within 30 days.

Employees scheduled to work on a premium holiday cannot use their pre-scheduled holiday for that month in advance of the premium holiday. The HRS Payroll Office will remove the pre-scheduled holiday when officers and PCO's work on Thanksgiving, Christmas or New Year's Day for more than four hours. Compensatory leave earned as a result of working on a premium holiday must be taken within one year of the date that it is earned.

- (a) PCOs and officers (Sgt. and below) eligible to receive cash overtime shall:
  - 1. Enter the appropriate times and codes into the Workday program.

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2. Be compensated at the rate of time and one-half for the number of hours actually worked on a premium holiday, and
  3. Be credited with hour for hour compensatory leave for each hour actually worked under four hours on a premium holiday, or
  4. Be automatically credited with eight hours compensatory leave for actually working more than four hours on a premium holiday.
- (b) Commissioned officers are only eligible to receive compensatory leave and shall:
1. Enter the appropriate times and codes into Workday.
  2. Receive compensatory leave on an hour for hour basis for the number of hours actually worked on a premium holiday.

#### **1036.10 MILITARY LEAVE (ML)**

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

An employee who is a member of a reserve unit of the armed forces or in the organized militia is:

- (a) Entitled to leave with pay for military training,
- (b) Not more than 15 days annually, and
- (c) Without loss of pay or charge against leave.

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

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

#### **1036.11 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

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

Pursuant to the Family and Medical Leave Act, employees are entitled to:

- (a) 12 weeks of unpaid leave in any 12 month period or 480 hours.
- (b) Continued subsidized health insurance benefits.
- (c) Guaranteed return to previous job or an equivalent position.

FMLA may be used for:

- (a) The birth of a child or the placement of a child for adoption or foster care within one year following the birth or placement of the child into the employee's home.
- (b) A serious health condition that makes the employee unable to perform the essential functions of their job.

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- (c) When the employee's spouse, child, parent, or legal dependent has a serious health condition and the employee is required to provide care.

Accrued paid leave must be taken concurrently with FMLA.

Employee's responsibilities when requesting or being placed on FMLA:

- (a) When possible, an employee is requested to give their supervisor 30 days notice for FMLA leave.
- (b) Employee is required to send the DNR FMLA Request and Review Form and the Medical Certification Form with an original signature from their medical practitioner to NRP Personnel Section within two weeks. (Forms can be obtained through the DNR Intranet or NRP Personnel Section contact.

The NRP Personnel Section retains detailed information regarding FMLA.

#### **1036.12 WORK-RELATED ACCIDENT SICK LEAVE (ASL)**

Work-Related Accident Sick Leave is governed by the State Personnel and Pensions Article, Title 9, Subtitle 7, § 9-701 through § 9-705 of the Annotated Code of Maryland, and COMAR 17.04.11.07.

- (a) The supervisor will contact IWIF at 1-888-410-1400 within 24 hours of the injury and provide the basic and necessary information regarding the injury and provide the policy number 909068.
- (b) When accident leave is used, the employee must obtain a completed NRP-496, Attending Physician's Certificate, with the doctor's actual/original signature to be submitted to the NRP Personnel Support Section for the pay period the employee begins to use accident leave. The NRP-496 must include a prognosis about the employee's ability to return to full duty.
- (c) If, upon an initial visit for medical care, the officer is advised to take three days or less of accident sick leave AND the officer presents an original, signed note from the treating practitioner to the NRP HR Section stating the same, an NRP-496 is not required to return to duty.
- (d) Before an employee may return to full duty, the employee must have their doctor complete Form NRP-496 and the doctor must certify that the employee can perform the essential tasks required for full duty status.
- (e) The NRP Disability Panel must conduct a review and approve an employee's return to full duty. NRP reserves the right to require an employee be certified by the State Medical Director as a part of the review and approval process.
- (f) Work-related accident sick leave may be granted for up to an additional six months according to § 9-702:
  - 1. If the employee is injured to the extent that immediate care is necessary the immediate supervisor will fill out the required documentation. The Supervisor must obtain the First Report of Injury number in accordance with COMAR 17.04.11.07.

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- (g) The designated forms will be filled out and forwarded to the NRP Personnel Support Section within two days. The employee must give a detailed written description of the circumstances surrounding the incident to include what part of the body was injured. Witnesses will also be required to complete a detailed account of the incident.
- (h) Commanders or supervisors must notify the NRP Personnel Support Section and the appropriate Bureau Commander when an employee is injured and off duty for an extended period of time.
- (i) If a physician releases an employee to restricted duty, the employee shall return to work unless annual, compensatory, or personal leave is approved by their supervisor.

#### **1036.13 LEAVE DONATIONS AND LEAVE BANK**

The Leave Donations and Leave Bank programs are governed by the State Personnel and Pensions Article, Title 9, Subtitle 6, sections § 9-602 through § 9-607 of the Annotated Code of Maryland, and COMAR sections 11.04.11.22 and 17.04.11.23.

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

#### **1036.14 EMERGENCY CONDITIONS**

Sworn personnel:

- (a) Sworn personnel are considered emergency essential and shall report to duty in all circumstances.

Civilian personnel:

- (a) In accordance with Executive Order 01.01.1981.10 an emergency essential employee is an employee whose duties are of such a nature so as to require the employee to report for work or remain at the worksite to continue agency operations during an emergency closing situation. The appointing authority or the authorized designee may excuse personnel from duty, or require their presence, as circumstances and conditions warrant, in order to maintain minimum staffing requirements for the affected facility.
- (b) When it is determined that an emergency condition exists, circumstances that would expose State employees to harm or unsafe conditions, an announcement will identify the specific nature of the emergency, the affected geographic areas, and the starting period of the emergency condition. A full day closing, liberal leave, delayed starting time, or early release will be permitted in these extreme circumstances.

#### **1036.15 JURY DUTY**

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

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

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#### **1036.16 ACCIDENT SICK LEAVE (ASL) AND LEAVE WITHOUT PAY (LWOP) REPORTING REQUIREMENTS**

A supervisor who has an employee on Accident Sick Leave (ASL) or Leave Without Pay (LWOP) must call or email the NRP Personnel Section no later than 9:00 AM on the last Tuesday of each pay period unless requested earlier, and the supervisor must advise the following:

- (a) The exact dates and/or number of hours:
  - 1. The employee used Accident Sick Leave or Leave Without Pay.
  - 2. The employee used "X" days.
  - 3. The employee used Holiday Leave.
  - 4. The employee actually worked.
- (b) For Accident Sick Leave, the supervisor must include in their report the Date of Injury.

#### **1036.17 GENERAL**

At the end of a calendar year, if the pay period extends into the following year, leave, excluding Holiday Leave, taken during this pay period is counted against the employee's leave balance from the previous calendar year.

#### **1036.18 TIME FOR UNION ACTIVITIES**

In compliance with the SLEOLA MOU, The NRP and SLEOLA recognize that union representatives and stewards play an important role in effectuating the terms of the MOU; however, both parties acknowledge that the duties undertaken as a union representative or steward are in addition to their job assignments.

Consistent with the operational needs of the Employer, the Employer shall grant duty time for designated stewards and union representatives, including reasonable travel time when necessary, to attend:

- (a) Grievance meetings
- (b) Labor Management Committee meetings
- (c) Negotiating sessions regarding supplementation or amendment of the MOU during its term; or negotiation of a successor MOU
- (d) Committee meetings and activities if such meetings or activities have been jointly established by the parties
- (e) Meetings called or agreed to by the Employer if such employees are entitled and required to attend the meetings by virtue of being Union representatives

In addition to the above events, Union representatives and stewards shall be allowed reasonable work time to complete assignments that have been assigned by the Labor Management Committee.

- (a) The employee's supervisor shall approve when the time can be taken.
- (b) Release hours will not exceed the employee's normally scheduled workday.

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- (c) Time off with pay will not be unreasonably withheld.
- (d) The Union will normally provide the Employer with the names of its stewards who need release time within five days prior to the date of the meeting.

#### Release Time Account for Union Activities:

- (a) Union representatives will be allowed time off with pay charged against the Union Release Time Account consistent with the operational needs of the Employer for Union business such as:
  - 1. The name of employee members for whom release time is being requested
  - 2. The name of the employee members' immediate supervisor(s)
  - 3. The words "Union Release Time" as a description of leave in the other box
  - 4. The requested leave dates
  - 5. The title and general purpose of the event shall be listed in the Remarks section
- (b) The Employer shall respond in writing within 15 days of receiving the representative's notice.
- (c) Such time off will not be detrimental in any way to the employee's record and will be specifically taken into account when applying performance standards relating to quantity and timeliness of work.
- (d) Time off with pay will not be unreasonably withheld.

#### Obtaining Release Time Approval from DBM:

- (a) All requests for release time for Union-sponsored meetings and conventions listed above shall be submitted to the Secretary of DBM at least thirty days in advance of an event and shall include:
  - 1. The names of the employee members to be granted release time and the units of State Government which employ them.
  - 2. The purpose and general description of the event.
  - 3. The place and date of the event.
  - 4. Any other information that the Secretary may require.
- (b) If the Secretary approves the request, the Secretary shall notify the appointing authority of the employee members for whom release time has been approved.
- (c) Once approval is returned to the Union representative from DBM, the representative shall forward a copy of all paperwork to the NRP Personnel Support Section for coordination with DNR Payroll/Human Resources.
- (d) The union shall provide the DBM Secretary with a list of all employee members attending the event within 30 days after the event.

#### Release from Duty Issues:

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- (a) Requests for release time in accordance with the SLEOLA MOU and policy shall routinely be granted.
- (b) In instances where the union notifies the State of the specific employees to be released within the time frames listed above, the Employer should only deny time off based on extraordinary operational needs.
- (c) When the Employer denies time off based on operational needs in accordance with this Agreement, it shall, upon written request of the Union, provide the reasons in writing and shall advise the representative when he/she can obtain the time off.
- (d) Time off under this provision shall not be arbitrarily denied.

#### **1036.19 SICK LEAVE**

Sick leave is governed by State Personnel and Pensions Article 9-501 through 9-508, and COMAR 17.04.11.05. For more information, see Policy 1007, "Sick Leave".

#### **1036.20 COMPENSATORY LEAVE**

Compensatory leave is governed by State Personnel and Pensions Article Title 8, Subtitle 3, and COMAR 17.04.11.02. For more information, see Policy 1020, "Compensation".



## Scheduling

### 1037.1 PURPOSE AND SCOPE

The establishment of scheduling guidelines is intended to maximize efficiency in the deployment of personnel and to standardize the manner in which the Natural Resources Police Duty Roster is completed.

### 1037.2 POLICY

Scheduling must comply with those rules established in the State Personnel and Pensions Article, and the SLEOLA MOU.

### 1037.3 DUTY ROSTER AND SCHEDULING

Exceptions may be made to accommodate specific requests.

#### 1037.3.1 SCHEDULING GUIDELINES

Scheduling guidelines for each Region/Area/Division/Unit are available on the NRP Google Drive.

#### 1037.3.2 DUTY ROSTER

The NRP Duty Roster: (Electronic Versions):

- (a) Distribution and sharing of schedules will be limited to NRP sworn personnel, PCO's, administrative assistants, and Cadets.
- (b) Lists the name, NRP identification number, home/or state telephone number, and unit number for employees below the rank of Major.
- (c) Reflects the work shift or leave status for each day of a 28-day period for employees below the rank of Sergeant. Sergeants' schedules will include leave status.
- (d) Split shifts can be authorized by a supervisor in accordance with the SLEOLA agreement.
- (e) Reflects the leave status for Lieutenants, and Captains.
- (f) When Sergeants begin their shift they shall immediately enter the appropriate numerical starting shift on the schedule.
- (g) Area Commanders may designate a work shift for Sergeants based upon their operational needs.
- (h) Identifies a Duty Officer the rank of Sergeant or above on each day.
- (i) Identifies specific assignments outside of the patrol function for employees below the rank of Lieutenant.
- (j) Shall be finalized one week prior to implementation.

### 1037.4 STAFFING LEVELS

Minimum staffing levels are established by the Area/Unit and Regional/Divisional Commanders based upon the following criteria:

- (a) Agency priorities

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### Scheduling

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- (b) Current/historic activity
- (c) Citizen reported violations
- (d) Special events

#### **1037.5 MINIMUM TIME OFF**

There shall be a minimum of 8 hours between the end of a scheduled shift and the beginning of the next scheduled shift workday.

This section does not apply:

- If the schedule is the result of the affected employee requesting a shift change.
- If there are fewer than the required number of hours between shifts as the result of overtime that occurs after the first shift or prior to the second shift.

#### **1037.6 WEEKENDS**

The usage of leave shall comply with the law as established in the State Personnel and Pensions Article, and the regulations established in Title 17 COMAR and the Leave Policy of this Manual.

- (a) Field personnel below the rank of Lieutenant may be scheduled for:
  - 1. May 1<sup>st</sup> to September 30<sup>th</sup>
    - (a) One weekend off per 28-day period.
  - 2. October 1<sup>st</sup> to April 30<sup>th</sup>
    - (a) Two weekends off per 28-day period.
- (b) If requested, employees may be approved for a second weekend off if both weekends are connected to five or more consecutive days of approved leave with at least thirty days advanced notice.

## Chain of Employment

### 1038.1 CHAIN OF EMPLOYMENT

The Chain of Employment Policy (Chapter 4, Section 7) in the old manual has been brought over to Lexipol with no changes made to the policy. It is simply rehoused within Lexipol and available as a link below.

[Chain of Employment Policy](#)

# Deaths of Former Members of the Natural Resources Police

## 1039.1 PURPOSE AND SCOPE

To describe the procedure to acknowledge and honor former members of the Natural Resources Police who have died.

### 1039.1.1 DEFINITIONS

**Former member** - A sworn or civilian member who was previously, but is not currently, employed by the Natural Resources Police; and whose cause of death was not a result of an illness or incident that occurred while the member was on-duty.

## 1039.2 POLICY

The Natural Resources Police will provide, to the extent possible, a color guard contingent, honor guard contingent, or both, upon request of the former member's family.

## 1039.3 PROCEDURE

- A. A member who is made aware of the death of a former member should first notify the Chief of Staff.
- B. The Chief of Staff is the point of contact for all NRP Color/Honor Guard Team requests.
- C. The Chief of Staff should:
  - 1. Verify the deceased is a former member;
  - 2. Verify that the former member did not die as a result of an incident or illness that occurred while the former member was on duty (refer to the Line-Of-Duty Deaths Policy),
  - 3. Determine where in Maryland the funeral services will take place,
  - 4. Notify the Regional Commander where the services are to be held, and
  - 5. Notify the Superintendent of the details.
- D. Color Guard Leadership or their designee will:
  - 1. Contact NRP HR to inquire whether they have a current phone number for a person in the former member's family, and
  - 2. Contact a family member and ascertain if they would like NRP to participate in the services, and to what extent.
  - 3. Notify the Chief of Staff with the following details as soon as possible:
    - (a) The date, time, location, and names of the Honor and Color Guard members assigned,
    - (b) If additional resources or personnel are needed,

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### *Deaths of Former Members of the Natural Resources Police*

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- (c) If the Secretary, Superintendent, Deputy Superintendent, and/or other members of the agency are requested to attend.
  - (d) The Chief of Staff will notify the Superintendent, and assist in coordinating additional requests, if necessary.
- 4. After discussions/concurrence with the Chief of Staff, Color Guard leadership will initiate the plan and arrange for color guard personnel to attend the service, as discussed
- 5. Color Guard leadership should keep the family informed of all agency plans.
- E. If the family does not wish to have an NRP contingency, the Color Guard leadership will notify the Chief of Staff, who will notify the Superintendent.

## Wellness

### 1040.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for agency members. additional information on member wellness is provided in the:

- A. Chaplains Policy.
- B. Line-of-Duty Deaths Policy.
- C. Drug- and Alcohol-Free Workplace Policy.

### 1040.2 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Management (CISM) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Employee Assistance Program (EAP) – State-required mental health assistance for members to address their personal and work-related concerns, including stress, financial issues, legal issues, family problems, office conflicts, and alcohol and substance abuse disorders (Md. Code PS § 3-523).

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

### 1040.3 POLICY

It is the policy of the Maryland Natural Resources Police to prioritize member wellness to foster fitness for duty and support a healthy quality of life for agency members. The Agency will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

### 1040.4 WELLNESS COORDINATOR

The Agency Medical Officer also serves as the wellness coordinator. The wellness coordinator reports directly to the Support Services Bureau Chief, and should collaborate with advisers (e.g., NRP Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

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### Wellness

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- A. Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers).
  - 1. Selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
  - 2. When practicable, the Agency should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- B. Developing management and operational procedures for agency peer support members, such as:
  - 1. Peer support member selection and retention.
  - 2. Training and applicable certification requirements.
  - 3. Deployment.
  - 4. Managing potential conflicts between peer support members and those seeking service.
  - 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
  - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for agency peer support, as appropriate.
- C. Verifying members have reasonable access to peer support or licensed psychotherapist support.
- D. Establishing procedures for initiating CISM, including:
  - 1. Defining the types of incidents that may initiate debriefings.
  - 2. Steps for organizing debriefings.
- E. Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- F. Verifying an EAP is available for members that meet the requirements of Md. Code PS § 3-523, to include that services will be provided at no cost to members when required by law.

#### **1040.5 AGENCY PEER SUPPORT**

##### **1040.5.1 PEER SUPPORT MEMBER SELECTION CRITERIA**

The selection of an agency peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- A. Desire to be a peer support member.
- B. Experience or tenure.
- C. Demonstrated ability as a positive role model.
- D. Ability to communicate and interact effectively.
- E. Evaluation by supervisors and any current peer support members.

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#### 1040.5.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of the agency peer support members include:

- A. Providing pre- and post-critical incident support.
- B. Presenting agency members with periodic training on wellness topics, including but not limited to:
  - 1. Stress management.
  - 2. Suicide awareness.
- C. Providing referrals to licensed psychotherapists and other resources, where appropriate.
  - 1. Referrals should be made to agency-designated resources in situations that are beyond the scope of the peer support member's training.

#### 1040.5.3 PEER SUPPORT MEMBER TRAINING

An agency peer support member should complete agency-approved training prior to being assigned.

#### 1040.6 CRITICAL INCIDENT STRESS MANAGEMENT (CISM) DEBRIEFINGS

A Critical Incident Stress Management (CISM) Debriefing should occur as soon as practicable following a critical incident.

The CISM coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

#### 1040.7 PEER SUPPORT COMMUNICATIONS

Although the Agency will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications except as provided in Md. Code PS § 3-523.

#### 1040.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the agency's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:



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- A. Data on the types of support services provided
- B. Wait times for support services
- C. Participant feedback, if available
- D. Program improvement recommendations
- E. Policy revision recommendations

The coordinator should present the completed audit to the Superintendent for review and consideration of updates to improve program effectiveness.

#### **1040.9 EAP REQUIRED ASSISTANCE**

Before returning to full duty, the following should be offered or provided to an officer as part of the EAP (Md. Code PS § 3-523):

- A. A voluntary mental health consultation and voluntary counseling services if the officer was involved in an incident that contained an accident resulting in a fatality.
- B. A mandatory mental health consultation and voluntary counseling services for an officer seriously injured, involved in a shooting, or involved in a use of force that resulted in a death or a serious injury.

#### **1040.10 TRAINING**

The coordinator or the authorized designee should collaborate with the Commander of the Training Unit or their designee to provide all members with annual education and training on topics related to member physical and mental health and wellness, including but not limited to:

- A. How to contact a member of CISM, along with other wellness support systems,
- B. Suicide awareness,
- C. Alcohol and substance abuse awareness,
- D. Managing stress and fatigue, and
- E. The benefits of exercise and proper nutrition.

Training materials, curriculum, and attendance records should be forwarded to the Training Unit Commander as appropriate for inclusion in training records.

# Automated Traffic Violations Issued to NRP Vehicles

<b>Effective Date:</b>	10/05/23
<b>Revised Date:</b>	REVIEWED--10/05/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--11/01/24

## 1041.1 PURPOSE AND SCOPE

To establish uniform procedures for processing and disposing automated traffic citations and parking violations that are issued to vehicles operated by NRP members.

## 1041.2 DEFINITIONS

**AUTOMATED CITATION** - any citation issued by a traffic control monitoring system, speed monitoring system, red light camera monitoring system, school bus monitoring system, school zone monitoring system or toll facility monitoring system; this includes parking citations issued resulting from violations of local ordinances/regulations. May be referred to in this policy as "automated traffic violation".

**AUTOMATED WARNING** - any notification of a violation with no associated penalty or fine.

## 1041.3 POLICY

Automated citations generated while outside the performance of a specific law enforcement function will be the responsibility of the member who incurred the violation; and absent certain aggravating factors, members are not subject to disciplinary action, provided this written directive is complied with.

## 1041.4 REFERENCES

MD. CODE ANN., TRANSP. §21-201.

MD. CODE ANN., TRANSP. §21-202.

MD. CODE ANN., TRANSP. §21-202.1.

MD. CODE ANN., TRANSP. §21-809.

## 1041.5 VIOLATIONS GENERALLY

Automated traffic violations are considered civil in nature. It is the policy of this Agency that members who receive automated traffic violations while operating an agency-owned vehicle will satisfy the requirements of the citation as shown thereon. Absent aggravating factors listed below, members who receive an automated traffic violation are not subject to disciplinary action.

## 1041.6 REQUIRED ACTIONS

- A. NRP Fleet Coordinator Responsibilities

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### *Automated Traffic Violations Issued to NRP Vehicles*

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1. Automated traffic violations are typically sent by the sending jurisdiction to the DNR Fleet Manager. Upon receipt, the DNR Fleet Manager forwards all information to the NRP Fleet Coordinator.
2. When an automated traffic violation is received, the NRP Fleet Coordinator, under the authority of the Commander of the Supply and Maintenance Unit, within three business days of receipt, will:
  - (a) determine the area/section to which the vehicle recorded on the automated traffic violation is assigned; and
    1. **For automated citations**, send an email to the member's commander that includes the following:
      - (a) a copy of the citation;
      - (b) the NRP vehicle number and citation number;
      - (c) the operator of record for the vehicle;
      - (d) a statement that informs the operator of the vehicle that if late fees are incurred and, if it is determined that the member was responsible for the delay in payment of the fine, the member will be responsible for these fees; and
      - (e) a requirement that the member's commander provide a written response to the NRP Fleet Coordinator, detailing the final disposition of the citation.
    2. **For automated warnings**, send an email to the member's commander that includes the following:
      - (a) a copy of the warning;
      - (b) the NRP vehicle number;
      - (c) the operator of record for the vehicle;
      - (d) a statement that informs the operator of the vehicle that no fine is associated with the warning, and that the information is being forwarded for the commander's awareness to handle in accordance with B-1 below.
  3. When final disposition of a citation is received from the commander, the NRP Fleet Coordinator will forward that disposition to the DNR Fleet Manager.

#### B. Commander's Responsibilities

1. For warnings received, the commander may, at most, verbally counsel the member regarding the violation. At that point, the matter is closed and no further action needs to be taken.
2. For citations received, upon receipt of the copy of a citation from the NRP Fleet Coordinator, the member's commander, within three business days, will:
  - (a) determine who was operating the vehicle at the time of violation;

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### *Automated Traffic Violations Issued to NRP Vehicles*

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- (b) determine if the vehicle was being operated in the performance of a specific law enforcement function; and
  - (c) inform the operator of the vehicle of the violation and request mitigating information, if any, to make the determination.
- 3. If it is determined that the violation was received while carrying out an official law enforcement function, the member's commander, within two business days, will:
  - (a) determine the controlling entity for the jurisdiction in which the citation was issued;
  - (b) send a letter to the chief or director of the agency issuing the citation, explaining the circumstances of the violation and requesting that the citation be administratively voided; and
  - (c) request that the jurisdiction acknowledge the receipt of the letter in writing and respond back prior to the due date listed on the citation, and
  - (d) inform the member that the citation is being/was disposed of administratively.
- 4. If it is determined that the violation was received while **NOT** carrying out an official law enforcement function, the member's commander, within two business days, will:
  - (a) Inform the member that they are responsible for resolving the citation by either paying the fine or appearing in court to contest the citation.
  - (b) Complete an entry in Blue Team under the category "Automated Traffic Violation".
    - 1. The creation of an entry in Blue Team under the category "Automated Traffic Violation" does not trigger, begin, or otherwise open an internal investigation; it is for tracking purposes only.
    - 2. Automated written warnings ARE NOT entered into Blue Team.
  - (c) The failure and/or refusal by a member to dispose of an automated citation in accordance with this written directive may result in disciplinary action.
  - (d) For citations, commanders will provide a written update, including any receipts for fine payment, to the NRP Fleet Coordinator within five business days of final disposition.

#### C. Member's Responsibilities

- 1. Members wishing to pay the fine will do so in accordance with the instructions on the citation.
- 2. Members who wish to contest the citation may do so in accordance with the instructions on the citation.
- 3. Members who incurred the violation off-duty will attend court in an off-duty capacity. Members who incurred the violation while on-duty will attend court in

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### *Automated Traffic Violations Issued to NRP Vehicles*

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an on-duty capacity. In all cases, the member will wear business attire with no agency markings, badges or insignia displayed.

4. Members are responsible for paying any fines incurred as a result of violations occurring while not in performance of a specific law enforcement function.
5. Only late fees incurred as a result of inaction by the member will be the responsibility of the member.
6. The member will provide their commander with proof of final disposition and/or payment, including any receipts for fine payment, within three business days of resolving the citation, and in all cases, before the due date listed on the citation.

#### D. Aggravating Factors & Disciplinary Action

1. Notwithstanding any other part of this policy, the Superintendent reserves the right to issue disciplinary action pursuant to the Statewide Disciplinary Matrix, based on the totality of the circumstances, when there is a preponderance of evidence supporting one or more of the following aggravating factors, which include, but are not limited to:
  - (a) Repeated automated citations of more than three in a 365 day period;
  - (b) Any automated citation in excess of 20 miles per hour over the posted speed limit within a 365 day period, and
  - (c) Dangerous red light or school bus/school zone monitoring camera violations.
2. Prior to the issuance of disciplinary action under this section, the Superintendent will allow the member to submit written documentation with mitigating circumstances for consideration.

## Trial Boards

<b>Effective Date:</b>	12/04/23
<b>Revised Date:</b>	REVIEWED--12/04/23
<b>Issuing Authority:</b> COL/NEXT REVIEW BY--01/01/25	

### 1042.1 PURPOSE AND SCOPE

To provide an overview of the procedures for trial boards.

### 1042.2 DEFINITIONS

**REPRESENTATIVE** - the term includes an attorney or any other representative the accused officer chooses.

**TRIAL BOARD** - a three-member group selected to determine the final outcome of a disciplinary case. A trial board will be composed of an actively serving or retired administrative law judge appointed by the Chief Administrative Law Judge of the Maryland Office of Administrative Hearings; a civilian who is not a member of an administrative charging committee or the Maryland Police Training and Standards Commission (MPTSC), appointed by the police accountability board for the county where the alleged misconduct occurred; and an NRP officer of equal rank to the NRP officer who is accused of misconduct appointed by the NRP Superintendent. Before serving as a member of a trial board, an individual will receive training on matters related to police procedures from the MPTSC.

### 1042.3 POLICY

The NRP will conduct trial boards in accordance with the law. This policy applies to all misconduct alleged to have occurred on or after July 1, 2022. Trial boards for complaints received for misconduct that occurred prior to July 1, 2022 will be handled in accordance with the law and NRP policy in effect on June 30, 2022.

### 1042.4 REFERENCES

MD. CODE ANN., PUB. SAFETY §3-101 ET SEQ.

### 1042.5 PROCEDURES

#### A. Cases Referred to a Trial Board

1. Cases are referred to a trial board when an officer chooses not to accept the discipline offered by the NRP as a result of:
  - (a) an internal complaint (generally offered by a commander within the NRP);
  - or

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### *Trial Boards*

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- (b) an external complaint involving a member of the public (recommended by the Administrative Charging Committee and offered by the Superintendent via the Chain of Command).

#### B. Criminal Investigations

1. In general, a trial board should not be held for charges that relate to conduct which is also the subject of a criminal proceeding, until such time as all criminal charges are disposed of.
2. The NRP retains discretion to make an exception to this general rule if it determines the best interests of the NRP would be adversely affected by the failure to hold a trial board.
3. The decision of the NRP to hold a hearing may not be the subject of a grievance.

#### C. Responsibilities Pending a Trial Board

##### 1. Superintendent

- (a) The Superintendent, or their designee, will:

1. appoint an NRP officer to the trial board who is of equal rank to the accused NRP officer and who has received training on matters related to police procedures from the MPTSC;

- (b) Special Services Bureau Chief/Agency Hearing Board Officer, as applicable, will:

1. coordinate and schedule all trial boards with the officer's representative, the Agency Prosecutor and the trial board members;
2. prepare a NRP-820, Notification of Hearing, and ensure it is provided to the officer for signature and that a signed copy is forwarded to the Agency Prosecutor;
3. issue a Special Order to convene the Board; and
4. forward copies of the special order and NRP-820(s) to the Board member(s).

#### D. Pre-Trial Board Procedures

1. At least 30 days before a trial board proceeding begins, the Agency Prosecutor will ensure the officer is:
  - (a) notified of the charges against them;
  - (b) notified of the disciplinary action being recommended; and
  - (c) provided a copy of the investigatory record, at no cost.
2. The identity of confidential sources and non-exculpatory information may be excluded from the case file.
3. The officer will complete an NRP-823, Notification of Evidence / Document Receipt Form / Confidentiality Agreement, regarding the use and disclosure of information from the case file.

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4. Both the prosecution and defense must exchange the names of all witnesses and a copy of all documents and any other evidence that will be presented in the trial board. Both parties will indicate this information on the NRP-823 and send a signed copy of the form to the Agency Hearing Board Officer no less than 10 days prior to the hearing.
  5. Requests for postponements will be directed to the Agency Hearing Board Officer and granted only for good cause.
  6. The Victims' Right Advocate assigned to the Internal Affairs Unit will ensure that the complainant is notified in advance of a trial board hearing and of their right to attend a trial board hearing (except as provided in section E-3 below).
- E. Conducting the Trial Board
1. Board member(s) may not review the case file and may only review the information contained in the NRP-815, Notification of Charges.
  2. The actively serving or retired administrative law judge will:
    - (a) be the chair of the trial board;
    - (b) be responsible for ruling on all motions before the trial board; and
    - (c) prepare the written decision of the trial board, including the findings, conclusions and recommendations of the trial board.
  3. Proceedings will be open to the public, except to protect a victim's identity; the personal privacy of an individual; a child witness; medical records, the identity of a confidential source; an investigative technique or procedure; or the life or physical safety of an individual.
  4. A trial board may administer oaths and issue subpoenas as necessary to complete its work.
  5. All weapons will be secured outside the hearing room.
  6. Trial boards will be recorded and a record kept any time the recording is stopped and restarted.
  7. After the trial board has been called to order by the Chair, the prosecution and the defense, together, may offer to the board members an agreed upon settlement proposal, should one exist. Any settlement offered must be consistent with the penalties in the Statewide Disciplinary Matrix. It is the sole discretion of the board members whether to accept the settlement proposal, or proceed with the trial board.
  8. Items accepted into evidence will be marked for identification and retained as part of the record.
  9. The Chair will administer oaths or affirmations and examine any individual under oath.
  10. Brief opening statements, by the Agency Prosecutor and the defense representative, may be made.



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11. The Agency Prosecutor will present their case-in-chief and bears the burden of proof by a preponderance of the evidence.
12. The defense may, but is not required to, present its case.
13. Each party has a right to cross-examine each witness who testifies for the other party.
14. Redirect and re-cross examination is limited to matters covered in a preceding examination.
15. The Board may question each witness.
16. Rebuttal evidence by both parties may be presented.
17. Closing Arguments include a:
  - (a) summation presented by the Agency Prosecutor;
  - (b) summation presented by the defense; and
  - (c) rebuttal if the prosecutor chooses to present one.

#### F. Post-Trial Board Procedures

1. Within 45 days after the final hearing by a trial board, the trial board chair will issue a written decision reflecting the findings, conclusions and recommendations of a majority of the trial board. A copy will be given to the Agency Hearing Board Officer who will provide it to the Superintendent.
2. A trial board decision is final unless appealed by the officer.
3. Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the officer to the Circuit Court for Anne Arundel County.
4. Document Distribution and Retention
  - (a) The NRP-815, the case file and all exhibits will be returned to the Agency Hearing Board Officer and forwarded to the Internal Affairs Unit for retention in accordance with the local Records and Retention Schedule.
  - (b) For guilty findings, the Special Services Bureau Chief will notify the NRP Human Resources Section and request a Personnel Order be issued, if necessary.
  - (c) For not guilty findings, the Internal Affairs Unit Commander will notify the Special Services Bureau Chief of the Board's decision.

#### G. Reimbursements

1. The NRP will reimburse the civilian who is appointed by the Police Accountability Board.
2. Reimbursements are as follows:
  - (a) A daily rate will be established by the Administrative Services Bureau Chief and will be paid to the civilian member for the services rendered.

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- (b) Mileage will be reimbursed per the Department of Budget and Management's Privately Own Vehicle Reimbursement rates.
- (c) Reimbursements will be processed by the Agency Hearing Board Officer through use of a GADX-5, State of Maryland Expense Account form.

## Accommodations for Disabilities Due to Pregnancy

<b>Effective Date:</b>	02/29/24
<b>Revised Date:</b>	REVIEWED--02/29/24
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--04/01/25

### 1043.1 PURPOSE AND SCOPE

To establish a policy to comply with MD. CODE ANN., STATE GOV'T., §20–609, that provides pregnant members with a statutory right to a reasonable accommodation if the members' pregnancy causes or contributes to a disability, and the accommodation does not impose an undue hardship on the employer.

### 1043.2 DEFINITIONS

**Health Care Provider** - a medical doctor authorized to practice medicine or surgery by the state in which the doctor practices; an accredited Christian Science practitioner; any of the following if authorized to practice in a state and performing within the scope of that authority: chiropractor, clinical psychologist, Dentist, licensed certified clinical social worker, nurse midwife, nurse practitioner, oral surgeon, optometrist, physical therapist, or a podiatrist; or a health care provider as defined by the Family and Medical Leave Act.

### 1043.3 POLICY

NRP will provide reasonable accommodations related to pregnancy in accordance with this directive.

### 1043.4 REFERENCES

IACP, "Pregnancy Considerations Document", 2021

42 USC § 2000e(k)

Md. Code Ann., State Gov't., §20–609

USDOJ Civil Rights Division, "The Pregnant Workers Fairness Act & State & Local Government Workplaces"

State of Maryland Commission on Civil Rights Fact Sheet, "Pregnant and Working"

### 1043.5 KEY PROVISIONS

- A. If an NRP member is temporarily unable to perform regular duties due to pregnancy, childbirth, or a related medical condition, the NRP member will be treated the same as any other temporarily disabled member (42 USC § 2000e(k)).
- B. This agency will modify regular assignments and, when available, provide temporary, alternative duty assignments to eligible pregnant members when they request such

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accommodations or are unable to safely perform the essential functions of their normal assignments, as determined by the pregnant member in conjunction with their health care provider.

- C. Discrimination based on pregnancy, childbirth, or related medical conditions is defined as a type of sex discrimination and is prohibited. Should an instance of such discrimination be identified, appropriate counteractions will be taken.
- D. Pregnant members will not be subjected to special procedures to determine their ability to work.
- E. An NRP member whose disability was contributed to or caused by pregnancy may request reasonable accommodations associated with their employment. Upon receipt of the request, the NRP will explore all possible means of providing reasonable work accommodations, including engagement in good faith, and in a timely and interactive process, and also (SG § 20-609):
  - 1. Changing job duties;
  - 2. Changing work hours;
  - 3. Relocation;
  - 4. Providing mechanical or electrical aids;
  - 5. Transfers to less strenuous or less hazardous positions; and
  - 6. Providing leave.
- F. The NRP may require certification from a member's health care provider regarding the medical advisability of a reasonable accommodation to the same extent certification is required for other temporary disabilities. To request reasonable accommodations, the following will be provided to the NRP Office of Fair Practice on agency letterhead:
  - 1. Date a reasonable accommodation is medically advisable;
  - 2. Probable duration; and
  - 3. An explanation as to the medical advisability of the reasonable accommodation.
- G. If a member seeks to exercise their right under SG §20-609, an employer may not:
  - 1. Interfere with;
  - 2. Restrain;
  - 3. Deny the exercise; or
  - 4. Deny the attempt to exercise the right.
- H. **It is imperative to highlight the unique risks inherent in police work that a pregnant member (both sworn and civilian) and their health care provider must carefully consider.** These risks include, but are not limited to: exposure to live firearm training, loud noises, toxic chemicals, traffic hazards, defensive tactics training, interactions with prisoners, contact with pathogens and violent suspects, alternating shift work, prolonged periods of standing, heavy lifting, harsh environmental conditions, and working in marine environments. Each of these factors can potentially lead to serious complications during pregnancy. Exposure to toxic

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substances (for example, during firearms training & evidence room audits) may result in these substances being present in breast milk. Body armor fitted prior to pregnancy may not offer the same level of protection during pregnancy. The agency strongly recommends that the pregnant member and their health care provider consider these risks when determining the appropriate duration for a pregnant officer to continue in their regular duties.

- I. In no event may pregnant members be treated any differently than other members with comparable illnesses or medical conditions.
- J. Posting Notice
  - 1. NRP commanders will post in a conspicuous location, and include in any employee handbook, information concerning an employee's right to reasonable accommodations and leave for a disability caused or contributed to by pregnancy (SG §20-609).
- K. Inquiries
  - 1. Inquiries regarding this policy may be directed to the NRP Human Resources Section and the State of Maryland Commission on Civil Rights, <https://mccr.maryland.gov> or 800-637-6247.

## **Chapter 11 - Communications and Records**

# Communications

## 1100.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Agency in the course of its normal daily activities and during emergencies.

## 1100.2 POLICY

It is the policy of the Maryland Natural Resources Police to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Agency provides two-way radio capability for continuous communication between the Communications Center and agency members in the field as well as other DNR Units.

## 1100.3 THE COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Center.

Access to the Communications Center shall be limited to authorized personnel, command staff and agency members with a specific business-related purpose.

## 1100.4 RESPONSIBILITIES

### 1100.4.1 COMMUNICATIONS CENTER COMMANDER

The Communications Center and Records Unit Commander shall be directly responsible for the operation of the Communications Center.

The responsibilities of the Communications Center and Records Unit Commander include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Communications Center in coordination with subordinate supervisors.
- (b) Scheduling and maintaining police communications operator's time records.
- (c) Supervising, training and evaluating police communications operators.
- (d) Ensuring the radio and telephone recording system is operational.
  - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of the Communications Center information for release.
- (f) Maintaining the Communications Center database systems.
- (g) Maintaining and updating the Communications Center procedures manual.
  - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim

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of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

2. Ensuring police communications operator's compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of personnel to be notified in the event of an emergency.

#### 1100.4.2 POLICE COMMUNICATIONS OPERATORS

The responsibilities of the police communications operators include, but are not limited to:

- (a) Receipt and handling of all incoming and transmitted communications, including:
  1. Emergency lines to include 9-1-1 transfer lines
  2. Business telephone lines.
  3. Maryland Wildlife Crime Stoppers line.
  4. Park Watch Line.
  5. Bay Watch line.
  6. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  7. Radio communications with agency members in the field and support resources (i.e., DNR Units, fire department, emergency medical services (EMS), allied agency law enforcement units).
  8. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of agency members and support resources (i.e., DNR Units, fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through the Communications Center, agency and other law enforcement database systems (i.e., Maryland Electronic Telecommunications Enforcement Resource System (METERS), National Crime Information Center (NCIC), National Law Enforcement Telecommunications System (NLETS), Computer Aided Dispatch (CAD), Secure Case Search, Compass, Delta, etc.).
- (d) Monitoring agency radar and video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Duty Officer or field supervisor of emergency activity, including, but not limited to:
  1. Vehicle/vessel pursuits
  2. Officer-involved shootings



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3. As requested by officers

#### **1100.5 CALL HANDLING**

When a call for services is received, the police communications operators will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the communications operator determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the communications operator determines that the caller is a Limited English Proficiency (LEP) individual, the communications operator should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the communications operator should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the communications operator is unable to identify the caller's language, the communications operator will contact the contracted telephonic interpretation service and establish a three party call connecting the communications operator, the LEP individual and the interpreter.

Police Communications Operators should be courteous, patient and respectful when dealing with the public.

##### **1100.5.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the police communications operators has obtained all necessary information to ensure the safety of the responding agency members and affected individuals.

Emergency calls should be dispatched immediately. The on-duty supervisor or Area/Unit Duty Officer shall be notified of pending emergency calls for service when agency members are unavailable for dispatch.

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#### 1100.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the police communications operators to handle a higher priority or emergency call or to respond to radio transmissions as appropriate.

The reporting person should be advised if there will be a delay in the police communications operators returning to the telephone line or when there will be a delay in the response for service.

#### **1100.6 RADIO COMMUNICATIONS**

The police radio system is for official use only, to be used by police communications operators to communicate with agency members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using plain language (e.g. 10-codes) and correct procedures. Such transmissions shall include, but not be limited to:

- (a) Members acknowledging the police communications operators with their radio identification call signs and current location.
- (b) Police Communications Operators acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the police communications operators advised of their status and location.
- (d) Member and police communications operators acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Center and Records Unit Commander shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

#### 1100.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Maryland Natural Resources Police radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### 1100.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to agency members based on duty assignment. Police Communications Operators shall identify themselves on the radio with the appropriate station name and identify the agency member by his/her call sign. Members should use their call signs when initiating communication with the police communications operators. The use of the call sign allows for a brief pause so that the police communications operators can acknowledge the appropriate agency member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the acronym DNR prior to the radio call sign.

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#### **1100.7 DOCUMENTATION**

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Police Communications Operators shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum, the following:

- Incident control number
- Date and time of request
- Name and address of the reporting person, if possible
- Type of incident reported
- Involvement of weapons, drugs and/or alcohol
- Location of incident reported
- Identification of members assigned as primary and backup
- Time of dispatch
- Time of the responding member's arrival
- Time of member's return to service
- Disposition or status of reported incident

#### **1100.8 CONFIDENTIALITY**

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All the Communications Center members and officers shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Motor Vehicle Administration records, warrants, criminal history information, records of internal police files, or medical information shall only be made available to authorized law enforcement personnel. Whenever possible, an encrypted radio channel or a non-radio method of communication shall be used to communicate confidential information. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

#### **1100.9 TRAINING AND CERTIFICATION**

All police communications operators shall successfully complete department required training within six months of employment, to include using a curriculum approved by the state Emergency Number Systems Board which includes training on Public Safety Answering Point orientation, communication skills, electronic systems, policies and procedures, call processing, documentation, stress management, administrative duties and disaster and major incidents (COMAR 12.11.03.10).

## Records and Warrants Section

<b>Effective Date:</b>	06/30/22
<b>Revised Date:</b>	REVIEWED--09/28/23
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--10/01/24

### 1101.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Maryland Natural Resources Police Records and Warrants Section. The policy addresses agency file access and internal requests for incident reports.

### 1101.2 POLICY

It is the policy of the Maryland Natural Resources Police to maintain agency records securely, professionally and efficiently.

### 1101.3 RESPONSIBILITIES

#### 1101.3.1 RECORDS SUPERVISOR

The Agency shall delegate certain responsibilities to a Records and Warrants Section Supervisor.

The responsibilities of this Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records and Warrants Section.
- (b) Supervising, training and evaluating Records and Warrants Section staff.
- (c) Maintaining and updating Records and Warrants Section procedures.
- (d) Ensuring compliance with established policies and procedures.
- (e) Supervising the access, use and release of protected information (see the Protected Information Policy).
- (f) Establishing security and access protocols for incident reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
  1. Homicides
  2. Incidents involving agency members or public officials
  3. Any incident where restricted access is prudent
- (g) Complying with state requirements regarding the annual reporting of officer-involved deaths and deaths in the line-of-duty (Md. Code PS § 3-507).
- (h) Complying with reporting requirements related to sexual assault evidence collection kits in accordance with Md. Code CP § 11-926.1 and any related regulations, and

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with COMAR 02.08.04.01, in coordination with the Criminal Investigations Section Supervisor.

- (i) Complying with reporting requirements related to incidents apparently directed against an individual or group because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, homelessness, or any other class specified by state law as specified by Md. Code PS § 2-307 (Note: This report is automatically submitted to MSP Central Records Division via UCR data from RMS—no specific action is needed to comply with this reporting requirement).
- (j) Complying with reporting requirements related to searches and seizures involving potential handgun violations under Md. Code CR § 4-203 (Md. Code CR § 4-206) in conjunction with the Task Force Section Supervisor (Note: This information is to be sent as the incidents occur by the officer to the Maryland State Police Licensing Division—see Policy 322, Report Preparation, for more information).
- (k) Complying with reporting requirements regarding firearms-related crimes or firearms surrendered under final protective orders (Md. Code PS § 5-803), relating to the NRP-402, Crime Firearm Data Sheet.

#### 1101.3.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.
  - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
  - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Agency with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Complying with the annual reporting requirements established by the Maryland Police Training and Standards Commission (MPTSC) regarding (Md. Code PS § 3-518; Md. Code PS § 3-207):
  - 1. The number of serious officer-involved incidents.
  - 2. The number of officers disciplined.
  - 3. The type of discipline administered to each officer.
- (h) Complying with state requirements regarding the annual reporting of officer-involved deaths and deaths in the line-of-duty (Md. Code PS § 3-507).

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- (i) Complying with reporting requirements related to sexual assault evidence collection kits in accordance with Md. Code CP § 11-926.1 and any related regulations, and with COMAR 02.08.04.01.
- (j) Complying with reporting requirements related to searches and seizures involving potential handgun violations under Md. Code CR § 4-203 (Md. Code CR § 4-206).
- (k) Complying with reporting requirements related to incidents apparently directed against an individual or group because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, homelessness, or any other class specified by state law as specified by Md. Code PS § 2-307.
- (l) Complying with the annual reporting requirements related to use of force incidents involving an officer that result in a monetary settlement or judgment against the agency (Md. Code PS § 3-528).
- (m) Complying with the annual reporting requirements related to search warrants (Md. Code PS § 3-525).
- (n) Complying with the annual reporting requirements to the MPTSC related to the number of use of force complaints made against the Maryland Natural Resources Police's officers (Md. Code PS § 3-514).
- (o) Complying with reporting requirements related to Tactical Response Team (TRT) activation and deployment, if applicable (Md. Code PS § 3-508).
- (p) Complying with court requests and orders for records, warrants and expungements,
- (q) Entering records into the Interstate Wildlife Violators Compact.
- (r) Purchasing and distributing citation books.

#### **1101.4 FILE ACCESS AND SECURITY**

The security of files in the Records and Warrants Section must be a high priority and shall be maintained as mandated by state or federal law. All incident reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police agency incident, including field interview (FI), criminal history records and publicly accessible logs, shall be maintained securely within the Records Management System, and accessible only by authorized members of the Agency.

##### **1101.4.1 ORIGINAL INCIDENT REPORTS**

Generally, original incident reports shall not be removed from the Records Management System.

#### **1101.5 CONFIDENTIALITY**

Records and Warrants Section staff has access to information that may be confidential or sensitive in nature. Records and Warrants Section staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records and Warrants Section procedure manual.

## Records Maintenance and Release

### 1102.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of agency records. Protected information is separately covered in the Protected Information Policy.

### 1102.2 POLICY

The Maryland Natural Resources Police is committed to providing access to public records in a manner that is consistent with the Maryland Public Information Act (PIA) (Md. Code GP § 4-101 et seq.).

### 1102.3 CUSTODIAN OF RECORDS

The Superintendent shall designate a Custodian of Records for each unit responsible for record retention. The responsibilities of the Custodian of Records include but are not limited to (Md. Code GP § 4-201 et seq.):

- (a) Managing the records management system for the Agency, including the retention, archiving, release, and destruction of agency public records.
- (b) Maintaining and updating the agency records retention schedule including (Md. Code SG § 10-610; Md. Code SG § 10-615; COMAR 14.18.02.04):
  1. Identifying the minimum length of time the Agency must keep records.
  2. Identifying the agency bureau responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of agency public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing procedures for correcting an error in records (Md. Code GP § 4-502).
- (f) Establishing rules regarding the processing of subpoenas for the production of records.
- (g) Ensuring a current schedule of fees for public records as allowed by law is available.
- (h) Preparing and making available to the public a description of the basic rights of a person who requests public information, the responsibilities of the Agency, and the procedures, including the cost of inspecting or obtaining copies.
- (i) Ensuring that the Agency only maintains information about a person that is (Md. Code GP § 4-102):
  1. Authorized or required by law.
  2. Relevant to the accomplishment of a legitimate purpose.
- (j) Adopting rules defining sociological information held by the Maryland Natural Resources Police and restricted release of the information (Md. Code GP § 4-330).

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- (k) Ensuring updated contact information for the Records Supervisor is maintained on the agency's website and submitted annually to the Maryland Office of the Attorney General as required by Md. Code GP § 4-503.
- (l) Establishing database access requirements consistent with state and federal laws related to immigration enforcement (8 USC § 1373; Md. Code PS § 3-529).
- (m) Adopting rules for the appropriate proactive disclosure of public records that are available for inspection under the Maryland PIA (Md. Code GP § 4-104).
- (n) Posting in a prominent public location an explanation of the procedures for filing a request to obtain records relating to officer misconduct as defined by Md. Code PS § 3-101 (Md. Code PS § 3-515).

#### **1102.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any agency member who receives a request for any record shall route the request to the Records and Warrants Section Supervisor or the authorized designee.

##### **1102.4.1 REQUESTS FOR POLICE REPORTS**

In general, the custodian shall permit the inspection and/or reproduction of police reports and law enforcement records, unless there would be an unwarranted invasion of privacy of the person of interest. (SG-R, §10-612).

##### **1102.4.2 REQUESTS FOR RECORDS**

The processing of requests for any public record is subject to the following (Md. Code GP § 4-203):

- (a) Absent a valid reason for denial, the Custodian of Records shall grant access to the requested records promptly or within the reasonable period that is needed to retrieve the public record, but not more than 30 days after receipt of the request.
- (b) If the Custodian of Records reasonably believes that it will take more than 10 working days to produce the requested records, written or electronic notice shall be provided to the applicant within 10 working days indicating the amount of time needed to produce the records, the reason for the delay, and the estimated fees that may be charged for the production.
- (c) The Agency is not required to create records that do not exist.
- (d) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the case file, or in an electronic file, as proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the agency-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (e) A Custodian of Records may not ignore a request to inspect public records on the grounds that the request was made for the purpose of harassment.



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- (f) If a request for records is denied, the Custodian of Records must notify the applicant within 10 working days in writing of the following (Md. Code GP § 4-203):
  - 1. The reasons for the denial.
  - 2. The legal authority for the denial.
  - 3. A brief description of the undisclosed record that will allow the applicant to evaluate the applicability of the legal authority for the denial. The description provided shall not disclose any protected information from the record.
  - 4. The remedies available to the applicant for review of the denial (Md. Code GP § 4-362).
- (g) The time limits set forth above in this section may be extended for an additional 30 days with the agreement of the applicant (Md. Code GP § 4-203).
- (h) The time limits set forth above in this section may be extended in the event of a dispute under Md. Code GP § 4-1A-01 et seq. or Md. Code GP § 4-1B-01 et seq.

Whenever the Custodian of Records reasonably believes that inspection would cause substantial injury to the public interest, the Custodian of Records may deny inspection temporarily, but within 10 working days after the denial, the Custodian of Records shall petition a court to issue an order permitting the continued denial of inspection (Md. Code GP § 4-358). If the Custodian of Records reasonably believes that inspection of part of a public record would be contrary to the public interest, the Custodian may deny inspection of that part of the record, but shall provide an explanation of why denial is necessary and why redaction would not address the reason for the denial (Md. Code GP § 4-203; Md. Code GP § 4-343).

#### **1102.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any agency record, including traffic accident reports, is restricted except as authorized by the Agency, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Records of ongoing investigations (Md. Code GP § 4-351).
- (c) Traffic and criminal records may not be released to persons reasonably known to be soliciting or marketing legal services (Md. Code GP § 4-315).
- (d) Arrest warrants and associated charging documents may not be released until the warrant has been served or 90 days has elapsed since the warrant was issued (Md. Code GP § 4-316).
- (e) Traffic control signal monitoring and speed monitoring system records (Md. Code GP § 4-321).

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- (f) Personnel records, including retirement records, medical records, and personal employee information, including an employee's home address or telephone number (Md. Code GP § 4-306; Md. Code GP § 4-311; Md. Code GP § 4-312; Md. Code GP § 4-331).
- (g) Surveillance images (Md. Code GP § 4-322).
- (h) Information systems, alarm or security systems, and emergency policies, procedures, and plans (Md. Code GP § 4-314.1; Md. Code GP § 4-338; Md. Code GP § 4-339; Md. Code GP § 4-352).
- (i) Any record that the Custodian of Records reasonably believes would cause substantial injury to the public interest may be temporarily denied (Md. Code GP § 4-358).
- (j) Records relating to juveniles (Md. Code CJ § 3-8A-27).
- (k) Criminal history records (Md. Code CP § 10-219).
- (l) Information protected by the Address Confidentiality Program (Md. Code SG § 7-310).
- (m) Reports of suspected cruelty received from a veterinarian, including the identity of the veterinarian who filed the report (COMAR 15.14.15.04).
- (n) Portions of 9-1-1 communications records that depict a victim (Md. Code GP § 4-356).
- (o) Certain records sought for the purpose of enforcing federal immigration laws (Md. Code GP § 4-320; Md. Code GP § 4-320.1; Md. Code PS § 3-529).

#### **1102.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the State's Attorney, or Attorney General's Office, or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to the DNR Office of the Attorney General or appropriate prosecuting attorney so that a timely response can be prepared.

#### **1102.7 SECURITY BREACHES**

Members who become aware that any Maryland Natural Resources Police system containing personal information may have been breached should notify the Law Enforcement Technical (LETech) Support Section Supervisor as soon as practicable.

The LETech supervisor shall ensure the required notice is provided to the Office of the Attorney General, the Department of Information Technology or the appropriate system manager, and the persons whose personal information is reasonably believed to have been breached pursuant to the requirements set forth in Md. Code SG § 10-1305. Notice shall be in the form and manner specified in Md. Code SG § 10-1305.

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Notice shall be given as soon as reasonably practicable after discovery of the possible breach consistent with the legitimate needs of the Maryland Natural Resources Police and any measures to determine the scope of the breach, the identity of those affected, and to restore the integrity of the breached system. Notice may be delayed if notification will impede a criminal investigation or jeopardize homeland or national security (Md. Code SG § 10-1305).

For purposes of the notice requirement, personal information includes a person's first name, first initial and last name, personal mark, or unique biometric or genetic print or image in combination with any one or more of the following (Md. Code SG § 10-1301):

- (a) Social Security number or Individual Taxpayer Identification Number
- (b) Driver's license number, Maryland identification card number or other similar identification number, including a passport number
- (c) Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records and Warrants Section Supervisor should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

#### **1102.8 EXPUNGEMENT**

Expungement orders received by the Agency shall be reviewed for appropriate action by the Records and Warrants Section Supervisor. The Records and Warrants Section Supervisor shall ensure expungement of such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist (Md. Code CP § 10-101 et seq.).

The Records and Warrants Section Supervisor shall ensure that all expunged records are also removed from the National Capital Region-Law Enforcement Information Exchange database (NCR-LInX). If expunged records are still showing in LInX, the Records and Warrants Section Supervisor will contact the LInX program manager immediately.

Unless an order is stayed pending an appeal, the Records and Warrants Section Supervisor served with an order of expungement of a juvenile record under Md. Code CJ § 3-8A-27.1 shall notify the court, the petitioner, and all parties in writing within 60 days after entry of the order that the Agency has complied with the order.

#### **1102.9 TRAINING**

All members authorized to manage, release or facilitate public access to agency records shall complete a training program that includes identification of material appropriate for public access and the agency systems and procedures guiding such release and access.

## Protected Information

### 1103.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Maryland Natural Resources Police. This policy addresses the protected information that is used in the day-to-day operation of the Agency and not the public records information covered in the Records Maintenance and Release Policy.

#### 1103.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Maryland Natural Resources Police and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

### 1103.2 POLICY

Members of the Maryland Natural Resources Police will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 1103.3 RESPONSIBILITIES

#### A. Technology Unit Commander

1. The Technology Unit Commander shall be responsible for coordinating the use of protected information.
  - (a) The responsibilities of this position include, but are not limited to:
    1. Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.
    2. Resolving specific questions that arise regarding authorized recipients of protected information.
    3. Developing procedures to ensure training and certification requirements are met.
    4. Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
    5. Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
    6. Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS),

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Motor Vehicle Administration (MVA) records, Maryland Criminal Justice Information System (CJIS) and Maryland Electronic Telecommunications Enforcement Resource System (METERS).

- B. All officers, the rank of Sergeant and below, are to obtain a CN-1 or CN-2 Certification through the Communications Center and keep it active. Officers that do not maintain this certification or an active CJIS account will lose access to RMS, Delta, Mobile CAD and any other system that may contain CJIS data.

#### **1103.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Maryland Natural Resources Police policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### **1103.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Technology Unit Commander for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Agency may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone, or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other agency members, or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### **1103.6 SECURITY OF PROTECTED INFORMATION**

The Technology Unit Commander shall oversee the security of protected information.

This responsibility includes, but is not limited to:

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- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Superintendent and appropriate authorities.

#### **1103.6.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

#### **1103.7 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

## Requests for Body-Worn Camera Footage

<b>Effective Date:</b>	03/21/24
<b>Revised Date:</b>	REVIEWED--03/21/24
<b>Issuing Authority:</b>	COL/NEXT REVIEW BY--04/01/25

### 1104.1 PURPOSE AND SCOPE

To generally outline the procedures to be followed when requests for body-worn camera footage are received by the NRP.

### 1104.2 DEFINITIONS

**BWC** - abbreviation for "body-worn camera".

**Denial of Release** - a video recording that will not be released based on MPIA regulations or in accordance with a legal mandate.

**Elevated Review** - a video recording that requires additional review prior to redaction and release.

**MPIA** - abbreviation for the Maryland Public Information Act.

**Person-in-Interest** - As defined by MPIA GP§ 4-101 (g), a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit; if the person has a legal disability, the parent or legal representative of the person.

**Redaction** - the process by which a BWC recording is "edited," in order to blur/make indistinct or camouflage an individual's image or other image determined by the agency to be sensitive or confidential; redactions may occur only as outlined in this policy and authorized by state law.

**Routine Release** - a video recording that will be released with standard redaction.

**Sociological Information** - Personal identifying information (e.g. age, D.O.B., SSN, Driver's License number), including mailing address and personal email address.

### 1104.3 POLICY

It is the policy of this agency to release BWC footage when authorized by court order, the Public Information Act, and in accordance with agency written directives.

### 1104.4 REFERENCES

IACP Model Body Worn Camera Policy

MPTSC Model Body Worn Camera Policy

Maryland Public Information Act Manual, October 2023

COMAR 07.02.16.06

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Md. Code Ann., Crim. Proc. §§ 10-109, 10-219, 10-306

Md. Code Ann., Cts. & Jud. Pro., § 3-8A-27 *et seq.*

Md. Code Ann., Family § 14-308, *et seq.*

Md. Code Ann., Gen. Provis. §§ 4-101, 4-103 to 104, 4-206, 4-305 to 307, 4-313, 4-320, 4-326, 4-330, 4-335, 4-336, 4-340, 4-351, 4-362, 04-1A-01, 04-1B-01

Md. Code Ann., Health Gen. § 4-302, *et seq.*

Md. Code Ann., Pub. Safety § 3-511, *et seq.*

#### **1104.5 GENERAL OVERVIEW**

- A. Recordings provided to federal, state or local law enforcement agencies and prosecutorial agencies for use in an official investigation will be released without redaction. All other requests will be evaluated on a case-by-case basis to determine:
  - 1. Denial or approval for release.
  - 2. For approved releases, the level of redaction.
- B. Requests for records are received by NRP from the Maryland Department of Natural Resources (DNR) Public Information Act (PIA) Coordinator. Upon determination that the PIA records request should be directed to NRP, the DNR PIA Coordinator or designee will forward the request to the Communications Division Commander.
  - 1. Within five business days of receipt of a records request from the DNR PIA Coordinator, the Communications Division Commander or designee will:
    - (a) review the request to determine if NRP potentially has the record(s) requested;
    - (b) if the record exists, classify the request as outlined below, and
    - (c) if determined to be appropriate for release:
      - 1. create a written cost estimate for reproducing the record based on section 1104.9 of this policy, and
      - 2. no later than five business days after the request is received, notify the DNR PIA Coordinator of the cost estimate to produce the record.
  - 2. If the request is denied:
    - (a) Notify the DNR PIA Coordinator that the request is denied, and the reason(s) for denial.
  - 3. If the record does not exist:
    - (a) advise the DNR PIA Coordinator that NRP does not possess the record requested.
- C. When a video is redacted, the person redacting will locate the original video, then make an exact copy of the video, then redact the copy as outlined herein; keeping



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the original video is its unedited, original state. The NRP will retain an unedited/non-redacted original version of all stored footage.

- D. Every request received by the Communications Center Division Commander for BWC footage will have a documented, associated final disposition.

#### **1104.6 GENERAL INFORMATION REGARDING RECORDS REQUESTS PURSUANT TO THE MPIA**

- A. The public can request records from the NRP, including BWC video recordings, pursuant to the Public Information Act, by either:
  - 1. going to the following webpage: <https://dnr.maryland.gov/Pages/pia.aspx>, and completing the online form request;
  - 2. emailing [PIA.DNR@maryland.gov](mailto:PIA.DNR@maryland.gov) with the specific information requested, or
  - 3. sending a written request to Anthony Burrows, Maryland Public Information Act Request Manager, Office of Communications, 580 Taylor Avenue, D4, Annapolis, MD 21401.
- B. Note that:
  - 1. the "Maryland Public Information Act Request Manager" and the "DNR PIA Coordinator" mean the same person.
  - 2. the requester is not required to provide a reason for the request.
  - 3. the requester is not required to provide personal information unless the requestor claims person-in-interest status.
  - 4. requests that require clarification where there is no personal contact information provided could be delayed or denied altogether, if the request cannot be processed without that information.
- C. By law, if a member of the NRP receives a request for records under the MPIA from a member of the public, the member must advise the requesting person, within 10 business days after receiving the request, that they must make their request as outlined in A1, A2, or A3 above. (GP 4-202c).
- D. The Communications Division Commander or designee will investigate the validity of persons making a request as a "Person-in-Interest"; and the requester must provide sufficient information to substantiate their claim.
- E. Note that the DNR PIA Coordinator or other official can waive the requirement that a requesting person submit a request in writing (GP 4-202b2).

#### **1104.7 REQUESTS FOR BODY-WORN CAMERA FOOTAGE BASED ON AN MPIA REQUEST**

- A. Upon receipt of a request for BWC footage from the DNR PIA Coordinator, the request will be tracked and logged by the Communications Division Commander, or designee.
  - 1. The Communications Division Commander, or designee, will classify each request, based on the information provided, as:

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- (a) routine release;
  - (b) elevated review, or
  - (c) denial of release.
- B. If, upon review of the BWC footage request, the Communications Division Commander or designee reasonably believes that it will take more than 10 business days to produce BWC footage requested, the Communications Division Commander or designee will notify the DNR PIA Coordinator of the following, and the DNR PIA Coordinator will inform the requester of:
  - 1. the amount of time that the NRP anticipates it will take to produce the BWC footage;
  - 2. an estimate of the range of fees that may be charged to comply with the request for BWC footage; and
  - 3. the reason for the delay.
- C. **If a request is classified as "routine release":**
  - 1. The Communications Division Commander, or designee, will estimate the cost of the request and provide the cost estimate to the DNR PIA Coordinator within five business days.
  - 2. Within 30 calendar days of receipt, the request will then be redacted using the "standard redaction" outlined in section 1104.11, Redaction Criteria, then:
    - (a) Reviewed & approved by the Communications Division Commander, or designee, prior to dissemination.
    - (b) After receipt of payment (should payment be due), file(s) will be posted for download by the requestor, and the requestor will have thirty days to retrieve the files. Specific requests for physical files will be dealt with on a case-by-case basis, and associated electronic storage media is provided by the agency at no charge.
- D. **If a request is classified as "elevated review":**
  - 1. the Communications Division Commander or designee will, within five business days of receipt, confer with the DNR Attorney General's Office and others as needed to determine if the request should be approved.
  - 2. If the request is approved, the Communications Division Commander or designee will develop a cost estimate based on section 1104.9, Costs Associated with Body-Worn Camera Footage Requests, and send the estimate to the DNR PIA Coordinator.
  - 3. "Elevated review" classification is mandatory for any footage of:
    - (a) Homicide investigations.
    - (b) Rape/Sex Offense investigations.
    - (c) Strategic and tactical operations that may jeopardize future similar operations.

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- (d) Domestic violence investigations.
  - (e) Incidents categorized as Administrative Investigation and/or Administrative Restricted.
  - (f) Incidents requested by subpoena, court order, or notice of claim (Note: these requests are not covered under the MPIA - see section 1104.8).
  - (g) Officer-involved shootings.
  - (h) All deaths in police custody.
  - (i) High-profile cases as determined by the Communications Division Commander, or designee.
  - (j) Incidents involving multiple police jurisdictions.
  - (k) Any other cases as directed by the Superintendent.
4. All video recordings depicting any of the above will be reviewed by the Communications Division Commander for determination of release.
- (a) Video recordings that are authorized for release by the Communications Division Commander will be:
    - 1. Processed for redaction.
    - 2. Reviewed & approved by the Communications Division Commander, or designee, prior to dissemination.
    - 3. After receipt of payment (should payment be due), file(s) will be posted for download by the requestor, and the requestor will have 30 calendar days to retrieve the files. Specific requests for physical files will be dealt with on a case by case basis, and associated electronic storage media is provided by the agency at no charge.
  - (b) Video recordings that are denied for release by Communications Division Commander will be reclassified as "Denial of Release".

**E. If a request is classified as "Denial of Release":**

- 1. This classification automatically applies to video recordings of the following:
  - (a) Suspected neglect, abuse and/or exploitation of a vulnerable adult or child (COMAR 07.02.16.06, Family Law 14-308, Human Services 1-202).
  - (b) Covert personnel and/or activities (GP 4-351).
  - (c) Active and ongoing investigations (GP 4-351).
  - (d) Intelligence information or security procedures (GP 4-351).
  - (e) Any public record if it is believed that inspection of a part of the record would be contrary to the public interest. These may include:
    - 1. Victim and/or suspect of a rape in any degree, as defined in Criminal Law, Title 3, Subtitle 3, Sexual Crimes;

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2. Victim and/or suspect of child abuse, as defined in Criminal Law, § 3–601, et. seq.;
  3. Victim and/or suspect of a sexual abuse of a minor, as defined in Criminal Law, § 3–602, et. seq.;
  4. Victim and/or suspect of human trafficking, as defined in Criminal Law, Title 3, Subtitle 11, Human Trafficking;
  5. The address of a victim and/or suspect of a crime, however, the hundred block and street address may be released in some cases;
  6. The identity of a juvenile suspect, defendant, or respondent in any case over which the Juvenile Court has or may have jurisdiction;
  7. The identity of any critically injured or deceased person prior to notification of next-of-kin;
  8. Specific cause-of-death information;
  9. Address, phone number, and e-mail address of a victim, witness, and/or suspect;
  10. Grand Jury subpoena information;
  11. Criminal history from the National Crime Information Center (NCIC) or Criminal Justice Information Services (CJIS); and
  12. Expunged reports.
- (f) This classification may apply to other video recordings as determined by the Communications Division Commander, or designee.
- (g) Recordings of this classification will not be released, except as otherwise authorized by the Superintendent.
- (h) The Communications Division Commander, or designee, will notify the DNR PIA Coordinator of the denial, within five business days of making the denial determination, and explain the reason for denial (CP 4-203c1).
- F. The DNR PIA Coordinator is responsible for notifying the requester of all fees, handling payments, communicating with requesters, conducting reviews of requests for indigency, and fee waivers.
- G. If the cost estimation is \$100 or more, excluding the two free hours as required by law, the request will not be processed or acted on further until the DNR PIA Coordinator advises that the requestor is willing to pay.

#### **1104.8 PROCESSING REQUESTS FOR COURT ORDER, CRIMINAL SUBPOENA, COMPLAINT AND NOTICE OF CLAIMS**

- A. Requests that are received for video pursuant to a court order/subpoena, or requests from DNR OAG, Maryland Attorney General's Office or the Internal Affairs Unit, the Communications Center Commander will:
1. Confer with the DNR OAG to determine releasability and redaction level, if any.

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2. Strictly track the request to ensure accountability.
3. Review thoroughly the specific video requested.
4. Not charge a fee for the request.
5. Upon review, if no footage exists, or if footage will take longer than 10 business days to produce, the Communications Division Commander or designee will notify the DNR PIA Coordinator.
6. If video exists, the Communications Division Commander or designee will review all footage, ensure the footage is placed onto either agency-provided electronic media or posted for download, and ensure the final video is suitable for release.

#### **1104.9 COSTS ASSOCIATED WITH BODY-WORN CAMERA FOOTAGE REQUESTS**

- A. Within five business days of receiving a request for BWC footage by the DNR PIA Coordinator, if determined that the BWC footage is releasable, the Communications Division Commander will estimate a reasonable fee to provide BWC footage pursuant to this section, including:
  1. the search for, preparation of, and reproduction of a video recording, and
  2. the actual costs of the search for, preparation of, and reproduction of a video recording in standard format (GP 4-206(b)(1)).
- B. The costs outlined herein are pursuant to and authorized by GP 4-206. This section applies to fees based on agency personnel conducting BWC requests; if an outside vendor is used, this policy does not apply.
- C. Fees charged by the agency will always err on the side of the requester.
- D. If a cost estimate is not provided to the requestor within 10 business days, the agency can not and will not charge a fee for the request.
- E. Search and preparation fees must be reasonably related to the actual cost to NRP in processing the request; the goal should be neither to make a profit nor to bear a loss on the cost of providing information to the public.
- F. Search fees are the costs to an agency for locating requested records.
  - (a) This involves the cost of an employee's time spent in locating the requested records.
- G. Preparation fees are the costs to an agency to prepare a record for inspection or copying, including the time needed to assess whether any provision of law permits or requires material to be withheld.
- H. In calculating the cost of employee time, the salary of each employee involved in the response will be prorated based on the actual time they spent searching for and preparing the record for disclosure, not including benefits.
- I. The estimate generally should not include duplicative employee efforts per the Maryland Public Information Act Manual (October 2023), which reminds agencies that "they need to resist charging fees based on duplicate work. For example, where

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multiple employees review the same material, only one person's time should be part of the fee charged to the applicant".

- J. Fees may not be charged for the first two hours of search and preparation time (GP 4-206(c)).
  - (a) If a requester, or group of requesters attempt to artificially break a large request into a series of smaller requests in order to obtain two free hours searching for each request to circumvent the assessment of fees, NRP will aggregate those requests into a single request, with the appropriate fee.
  - (b) Nothing in the Maryland Public Information Act prohibits a requester from making multiple requests, and NRP will not artificially aggregate separate requests to increase the fee so as to discourage those requests.
- K. The actual cost must be calculated by prorating the salaries of the staff and attorneys involved in the response by the actual time they spent searching for and preparing the video recording for disclosure (GP 4-206(b)(2)).
- L. If video is provided on electronic media, the electronic media itself is provided by the agency at no cost.
- M. Any shipping costs are handled by the DNR PIA Coordinator and will be added to the invoice/estimate, if necessary.
- N. Advising requesters of the appeal process is the responsibility of the DNR PIA Coordinator.

#### **1104.10 REQUESTS FOR WAIVERS OF FEES**

- A. Fee Waivers
  - 1. The DNR PIA Coordinator handles all requests for fee waivers. NRP does not decide, nor weigh in on requests for fee waivers.

#### **1104.11 REDACTION CRITERIA**

- A. Prior to releasing a BWC recording to a member of the public, it may be necessary to redact certain portions of the recording.
  - 1. It is the policy of NRP to, as far as legally possible, respect and safeguard the privacy and confidentiality of any victim and/or witness or any non-involved bystander who has been recorded by a BWC user.
- B. If a BWC recording is later determined to be inappropriately redacted, it may be re-copied and released, if still available, at the direction of the Superintendent.
- C. The Maryland Public Information Act Manual (<https://www.marylandattorneygeneral.gov/Pages/OpenGov/piamanual.aspx>) will be consulted for additional information regarding redaction.
- D. Any and all redactions shall be made in good faith and must have a legal basis.
- E. Redaction of information and images less than those required in a standard redaction may be authorized by the Communications Division Commander or designee, for person-in-interest requests, consistent with law.

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- F. Redaction of information and images beyond those required in a standard redaction will be directed by the Communications Division Commander, or designee, on a case-by-case basis.
- G. **Standard redaction** will include the redaction of the following audible and visual information and images from all reproduced video recordings:
  - 1. Any parts of a BWC recording that may compromise an investigation or unnecessarily infringe on an individual's privacy rights;
  - 2. Images of minor children, juvenile suspects, victims, witnesses and non-involved bystanders, undercover officers, confidential informants shall ordinarily be redacted;
  - 3. Any footage not required by law to be released;
  - 4. Any footage that would shock a reasonable person;
  - 5. Medical and/or psychological information (e.g., emergency evaluation, injuries, suicides, disability, diseases, etc.) (HG 4-302);
  - 6. Expunged or shielded criminal information (CP 10-109/10-306);
  - 7. Juvenile suspects, including relatives and/or information that would identify the juvenile (CJP 3-8A-27);
  - 8. Nudity or partial nudity (GP 4-103b);
  - 9. Adoption records (GP 4-305);
  - 10. Hospital records (GP 4-306);
  - 11. Any information that identifies a person as using or applying for social services including welfare, cash assistance, child welfare services, food stamps, child welfare services, cash assistance etc. (GP 4-307);
  - 12. Circulation records of a public library (GP 4-308);
  - 13. Letters of reference (GP 4-310);
  - 14. Emergency operation plans or discussion of plans (GP 4-314.1);
  - 15. Trade secrets (GP 4-335);
  - 16. Student records (GP 4-313);
  - 17. Warrant information and charging document information unless the warrant was served, or 90 days has elapsed since the warrant was issued (GP 4-316);
  - 18. Personal information about the owner of a registered vessel (GP 4-317);
  - 19. Motor Vehicle Administration (MVA) records (GP 4-320);
  - 20. Information regarding the purchase of firearms or information regarding the holder of a concealed carry permit (GP 4-325);
  - 21. Any information gathered by an Automated License Plate Reader (GP 4-326);
  - 22. Criminal history information (GP 4-327);

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23. Medical or psychological history of a person, not including official autopsy reports issued by the OCME (GP 4-329);
24. Sociological information prohibited for release by the agency's written directives (GP 4-330);
25. Home addresses, personal telephone numbers, or personal e-mail addresses of public employees (GP 4-331);
26. Any information other than general information about notary publics or the holders of professional licenses (GP 4-332, 333);
27. The part of a marriage license or recreational fishing license application that contains a social security number (GP 4-334);
28. Confidential commercial information, confidential financial information; or confidential geological or geophysical information (GP 4-335);
29. Financial information (e.g., bank account, bank account numbers, credit card numbers, etc.) (GP 4-336);
30. Bid information kept on file by an agency (GP 4-337);
31. Security of an information system (GP 4-338);
32. Information about a residential or commercial security system (GP 4-339);
33. Personal information about a person enrolled in a senior center (GP 4-340);
34. Any information concerning the site-specific location of an endangered or threatened species of plant or animal, a species of plant or animal in need of conservation, a cave, or a historic property as defined in § 5A-301 of the State Finance and Procurement Article (GP 4-350);
35. Investigation, intelligence information, security procedures (GP 4-351);
36. Emergency plans (GP 4-352), and
37. METERS and NCIC criminal history information pursuant to CJIS standards (Criminal Procedures 10-219).

#### **1104.12 RELEASES OF BODY-WORN CAMERA FOOTAGE BY THE AGENCY**

- A. On a case-by-case basis, the Superintendent may determine whether to proactively release a BWC recording to the media or other individuals.
- B. This decision will be made after considering:
  1. whether the footage to be released will be used in a criminal court case and the potential effect(s) that releasing that recording may have on that case; and
  2. the potential public good that the release would have.
- C. No BWC recording will be released for the sole purpose of ridiculing, embarrassing, harassing, or intimidating any law enforcement officer or other individual or for any other non-law enforcement-related purposes.



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- D. No BWC recording will be released by the NRP for commercial gain, except that the Superintendent may authorize a third-party BWC vendor to use a specific BWC recording as a demonstration recording as part of its BWC promotional campaign and such authorization will be done in writing, and the third-party BWC vendor is not authorized to release any BWC recording made by a member of the Maryland Natural Resources Police or stored in the Maryland Natural Resources Police BWC recording retention file for any purpose without the explicit, written authorization of the Superintendent.

#### **1104.13 BODY-WORN CAMERA FOOTAGE RELEASES OTHER THAN AUTHORIZED IN THIS POLICY**

- A. No member of the NRP, other than the Superintendent or the Communications Division Commander, is authorized to copy or release a BWC recording for any purpose, including to an allied agency, another police officer, or any State's Attorney's Office or other governmental entity. Violation of this policy may result in disciplinary action.

#### **1104.14 DELETION OF BODY-WORN CAMERA FOOTAGE BY REQUEST**

- A. The Communications Center Commander shall, upon receipt of an approved deletion request on an NRP-400, BWC Failure to Record Activity/Accidental Recording Notification/Deletion Request Form, for an accidental BWC recording that would compromise the modesty or dignity of a member (e.g., an accidental recording during a bathroom break, etc.):
  - 1. Assign an appropriate supervisor (i.e., a supervisor of the same gender as the member whose modesty or dignity has been compromised, when possible) to confirm the nature of the BWC recording.
  - 2. Execute an immediate deletion when there is no other duty-related reason to retain the BWC recording.

#### **1104.15 NOTIFICATIONS**

- A. The Superintendent, or designee will notify the prosecuting authority two business days prior to releasing BWC footage of a critical incident to the public. EXCEPTION: When the Superintendent determines that exigent circumstances involving public safety, preserving the peace, and/or maintaining order requires a shorter time period for notice. In these cases, notice must still be provided to the prosecuting authority prior to releasing BWC footage of a critical incident to the public.
- B. The Superintendent, or designee will notify the Communications Center Division Commander and the Public Information Officer (PIO), as soon as possible, when BWC footage is being considered for release.
- C. The PIO will make the following notifications **at least** 24 hours prior to the release of BWC footage of a critical incident to the public:
  - 1. Civilian subject(s) of the police action;
    - (a) EXCEPTIONS:

# Maryland Natural Resources Police

## Policy Manual

### *Requests for Body-Worn Camera Footage*

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1. If the subject is deceased, the next of kin will be notified.
  2. If the subject is a juvenile, the parent or guardian will be notified.
  3. If any of the above parties have retained legal counsel, the legal representative will be notified in lieu of the subject.
  4. When all reasonable attempts to notify the applicable party have been unsuccessful.
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2. Department members whose BWC footage is to be released
  3. Department members readily identifiable in the videos and/or significantly involved in the event, as determined by the Superintendent or designee;
  4. Bureau Chiefs, division commanders, and Area/Unit commanders of above listed members;
  5. SLEOLA & Fraternal Order of Police Lodge Presidents; and
  6. Other official agencies involved in the incident or investigation.
  7. NOTE: The Superintendent has the discretion to make modifications to above notifications (e.g., critical incidents, unrest, etc.).
  8. The Superintendent has the authority to modify any aspect of this policy to unilaterally release BWC video if immediate release is required for public safety. EXCEPTION: Where prohibited by law.