

# Crime Analysis

## 800.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing crime analysis to support the overall law enforcement efforts of the Caroline County Sheriff's Office. 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 Caroline County Sheriff's Office 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
- Parole and probation records
- CAD activity reports
- Maryland Statistical Analysis Center (MSAC)
- Eastern Shore Information Center (ESIC)

## 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 divisions 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

# Communications

## 801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Caroline County Communications Center. It addresses the immediate information needs of the Agency in the course of its normal daily activities and during emergencies.

## 801.2 POLICY

It is the policy of the Caroline County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance that complies with Md. Code PS § 1-304. The Agency provides two-way radio capability for continuous communication between Caroline County Communications Center and agency members in the field.

## 801.4 RADIO COMMUNICATIONS

The radio system is for official use only, to be used by dispatchers to communicate with agency members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but not be limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

Any radio procedure violations or other causes for complaint shall be addressed through the chain of command. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

### 801.4.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Caroline County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

### 801.4.2 RADIO IDENTIFICATION

Radio call signs are assigned to agency members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the agency member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate agency member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign.

# Property

## 802.1 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.

### 802.1.1 DEFINITIONS

Definitions related to this policy include:

**Property** - All articles placed in secure storage within the Property and Evidence Room, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case. Examples include documents, latent fingerprints, and CDS.
- 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.
- Safekeeping - Items received by the Agency for safekeeping, such as a firearm, the personal property of an arrestee that has not been taken as evidence, and items taken for safekeeping under authority of law.

## 802.2 POLICY

It is the policy of the Caroline County Sheriff's Office 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.

## 802.3 PROPERTY AND EVIDENCE ROOM SECURITY

The Property Officer shall maintain secure storage and control of all property in the custody of this agency. The Property Officer is the Criminal Investigations Division Commander or the authorized designee and is responsible for the security of the Property and Evidence Room.

### 802.3.1 REFUSAL OF PROPERTY

The Property Officer has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Property Officer refuse an item of property, the Property Officer shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member and his/her supervisor of the reason for refusal and the action required for acceptance into the Property and Evidence Room.

### 802.3.2 KEY CONTROL/ROOM ACCESS

Property and Evidence Room keys should be maintained by the Property Officer and members assigned to the Property and Evidence Room. Property and Evidence Room keys shall not be

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loaned to anyone and shall be maintained in a secure manner. If a Property and Evidence Room key is lost, all access points shall be re-keyed and new keys issued as necessary.

#### 802.3.3 ACCESS

Only authorized members assigned to the Property and Evidence Room shall have access to property storage areas. Any individual who needs to enter the property storage area (e.g., maintenance or repair contractors) must be approved by the Criminal Investigations Commander and accompanied by the Property Officer. Each individual must sign the Property and Evidence Room 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.

#### 802.4 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 Officer 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, an Inventory or Property Record (CCSO Form 56) will be completed. The Inventory or Property Record shall describe the property and a copy of the Inventory and/or Property Record shall be given to the individual(s) from whom the property was taken. Members shall explain to the individual(s) from whom the property was seized that they should contact the Property Officer regarding the return of their property (return contingent upon the circumstances of the case).

##### 802.4.1 PROCESSING AND PACKAGING

All property must be submitted prior to the responsible member going off-duty, however processing of the property may be delayed upon approval of the Duty Officer. Members shall process and package property as follows:

- (a) A Property Record shall be completed, separately describing each item of property. List all known information including:
  - 1. Serial numbers
  - 2. Owner's name
  - 3. Finder's name
  - 4. Other identifying information or markings
  - 5. Any other information as required
- (b) Property shall be packaged in a container suitable for its size.
- (c) A Property Tag/Record shall be completed and attached to the property or container in which the property is stored.

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- (d) The case number shall be indicated on the Property Tag/Record and/or the container. A supervisor shall ensure all property is packaged properly before the items are submitted into the Property and Evidence Room.
- (e) The Property Record shall be submitted with the case report.
- (f) The Property Tag/Record shall be submitted with the property directly to the Property Officer or placed in a temporary property locker. Items too large to fit in a temporary property locker may be placed in a designated storage area located in the sallyport that can be secured from unauthorized entry.

#### 802.4.2 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 should be placed in the bicycle storage area.

**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 and all body-worn cameras shall be activated during the count. The cash shall be placed in a property envelope and initialed by both members. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary. Upon receipt, the Property Officer shall place the cash in the safe located in the Property and Evidence Room.

**Explosives and fireworks** - Explosives will not be retained in the sheriff's facility. 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.

The Property Officer is responsible for contacting the State Fire Marshal's Office and arranging for transport.

**Firearms and other weapons** - Firearms shall be unloaded and packaged separately from ammunition if being submitted for forensic analysis. If the items are not being submitted for analysis and are to be held in the Property and Evidence Room, the ammunition shall be placed in a small envelope inside the gun box. Knife boxes should be used to package knives.

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**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. No formal property processing is required.

County property that is of no evidentiary value should be released directly to the appropriate County department. No formal property processing is required.

If no responsible County personnel can be located, the property should be held for safekeeping.

**Offensive Material** - Property that may be considered outwardly offensive (e.g., sexually explicit) shall not be reproduced, disseminated, or displayed, except as required as part of the investigation and prosecution. Offensive material shall be stored in a sealed, non-transparent envelope, or other container that will prevent viewing by persons not directly involved with the investigation.

Offensive material should only be viewed or examined in the CCSO digital evidence lab or outside of the line of sight of persons not directly involved in the investigation. No materials containing the possibility of such content shall be left unsecured in common areas of CCSO and should only be stored in the Property and Evidence Room or in the digital lab if being processed or viewed.

**Sharps** - Syringe tubes should be used to package syringes and needles.

#### 802.4.3 CONTROLLED DANGEROUS SUBSTANCES

- (a) Controlled dangerous substances (CDS) shall not be packaged with other non-CDS property, and shall be processed separately using an MSP Request for Laboratory Examination (MSP Form 67) if the CDS is being submitted for forensic examination. If no examination is being requested, the CDS can be submitted in a Property Envelope.
- (b) The member processing CDS shall retain such property in his/her possession until it is packaged and placed in a temporary locker, accompanied by the chain of custody (e.g., MSP Form 67, Property Envelope).
- (c) No field testing will be performed on CDS and members shall use extreme caution when processing CDS.
- (d) The member shall package CDS as follows:
  - 1. Maintain the property in the container in which it was seized and place it in a plastic, resealable baggie. The baggie shall be labeled with the appropriate item number (e.g., E-1, E-2). All items shall then be placed in a Kapak.
  - 2. Seal the Kapak, writing the date and initials of the sealing member across the seal.
- (e) When the quantity of CDS exceeds the available safe storage capacity as determined by the Property Officer, the quantity shall be photographed and weighed.
  - 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.

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- (f) Marijuana 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 Officer shall monitor stored marijuana for growth of mold.

#### 802.4.4 EXTREME RISK PROTECTIVE ORDERS

Whenever a firearm or ammunition is received under an extreme risk protective order, the receiving member should complete a Property Record identifying the firearm by make, model, and serial number, retain the Record, and provide a copy of the Record to the person, along with information on the process for reclaiming the firearm/ammunition (Md. Code PS § 5–608).

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).

#### 802.4.5 FIREARMS REPORTING REQUIREMENTS

Whenever a firearm is recovered 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 responsible member should record on the appropriate form, when applicable (Md. Code PS § 5-803):

- (a) The number and type of firearms recovered.
- (b) The jurisdiction where the firearm was recovered or surrendered.
- (c) The source of the firearm recovered 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.

#### 802.4.6 CONTRABAND AND PROPERTY PURCHASED WITH FEDERAL FUNDS

When the CCSO uses federal funds to purchase CDS, stolen property, or other contraband, items that are not destroyed or returned to their owner will be disposed of according to Agency policy with the following exceptions:

- (a) The Property Record and Property Tag will be marked to indicate "This property was purchased using Federal funds".
- (b) If the property is sold at public auction, the money shall be reported as Federal grant income.
- (c) The money will be used in the continued operation of the appropriate grant or will be returned to the CCSO for its use per the Federal Office of Management and Budget, Circular Aid 102, sub-attachments (b) and (n).



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#### **802.4.7 CONVERTING PROPERTY TO CCSO/COUNTY USE**

Items that have been obtained by a member in the course of his/her official duties and have been released to the CCSO voluntarily by the owner, either as unclaimed property or by court order, may be converted to CCSO use.

The member requesting the transfer shall make the request to the Sheriff through the chain of command. If approved by the Sheriff, a copy of the approval will be forwarded to the Property Officer who will indicate "Property Released to CCSO" (or the County agency to which it was released) on the Property Detail Report, Property Record, and in RMS.

Property converted to CCSO use will be administered, secured, and accounted for in accordance with CCSO policy.

#### **802.4.8 DONATING UNCLAIMED PROPERTY TO CHARITY**

Items that have been obtained by a deputy in the course of his/her official duties and have been released to the CCSO voluntarily by the owner either as unclaimed property or by court order, and that are of a certain nature (e.g., bikes, scooters, toys, clothing) may be eligible for donation to a charity.

The deputy requesting the transfer shall make the request to the Sheriff through the chain of command. If approved by the Sheriff, a copy of the approval will be forwarded to the Property Officer who will indicate "Property Released to Charity", including the name and address of the charity, on the property log, property record, and in RMS.

#### **802.5 RECORDING OF PROPERTY**

The Property Officer receiving custody of property shall ensure an electronic entry in RMS for each item or group of items is created. The Property Detail Report generated in RMS will be the permanent record of the property in the Property and Evidence Room. The Property Officer will record on the Property Detail Report the date and time the property was received and where the property will be stored.

A Property Held number shall be obtained for each item or group of items from RMS. This number shall be recorded on the Property Record, the property packaging, and the MSP Form 67 (if applicable). The Property Detail Report shall document the following:

- (a) Property number
- (b) Case number
- (c) Property Held number
- (d) Item description
- (e) Item storage location
- (f) Receipt, release and disposal dates

Any change in the location of property held by the Caroline County Sheriff's Office shall be noted in the Property Detail Report.

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#### **802.6 PROPERTY CONTROL**

The Property Officer 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 Property Record.

The Property Officer shall obtain the signature of the person to whom the property is released, and the reason for release. Any member receiving property shall be responsible for such property until it is properly returned to the Property and Evidence Room or properly released to another authorized person or entity.

The return of the property to the Property and Evidence Room should be recorded on the Property Record, indicating the date, time and the name of the person who returned the property, and to whom the property is returned.

##### **802.6.1 EVIDENCE**

Every time evidence is released or received, an appropriate entry on the Property Record shall be completed to maintain the chain of custody. Evidence may only be released under the following conditions:

- (a) Written authorization from a supervisor or investigator
- (b) Maryland law allows for the evidence to be released

Further consultation before evidence is released may be required by the State's Attorney's Office.

Temporary release of evidence to members for investigative purposes, or for court proceedings, shall be noted on the Property Record, stating the date, time and to whom released. Requests for items of evidence needed for court proceedings shall be submitted to the Property Officer at least two days prior to the court date.

Requests for laboratory analysis for items other than CDS shall be completed on an MSP Form 67 and submitted to the Property Officer. This request may be submitted any time after the property has been processed.

##### **802.6.2 EVIDENCE RETAINED BY THE COURT**

When evidence is retained by the court, members shall:

- (a) Attempt to obtain the court representative's signature on the Request for Laboratory Analysis/Chain of Custody (MSP Form 67).
- (b) Obtain a Court Evidence Receipt to be filed with the Property Record and/or the MSP Form 67.
- (c) Notify the Property Officer who shall make the appropriate entry on the Property Detail Report.
- (d) Follow-up on all evidence retained by the court and attempt to obtain the evidence and re-submit the items for storage once the case is adjudicated.

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If the court disposes of the evidences or refuses to return it, members shall attempt to obtain a court representative's signature on the Release portion of the Property Record, if applicable. If a court representative refuses to sign a Property Record or the Laboratory Analysis/Chain of Custody, it shall be noted on the respective form.

A Court Evidence Receipt is not considered the final disposition for the evidence; members should attempt to retrieve the evidence when it is no longer needed so it may be properly disposed of.

#### **802.6.3 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The Property Officer releasing items of evidence for laboratory analysis must complete the required information on the MSP Form 67. The transporting member will acknowledge receipt of the evidence by indicating the date and time on the MSP Form 67. The MSP Form 67 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 property control card and obtain the signature of the person accepting responsibility of the evidence. The original copy of the MSP Form 67 will remain with the evidence and a copy of the form will be returned to the Records Division for filing with the case.

#### **802.6.4 CONTROLLED DANGEROUS SUBSTANCES**

The Criminal Investigations Division Commander will be responsible for the storage, control and destruction of all CDS coming into the custody of the Agency.

#### **802.6.5 UNCLAIMED MONEY**

The Criminal Investigations Division Commander or the authorized designee and the Chief Deputy shall submit a biannual report regarding money that is presumed to have been abandoned to the Sheriff or more frequently as directed. The Criminal Investigations Division Commander may transfer such money in compliance with existing laws upon receipt of proper authorization from the Sheriff.

### **802.7 RELEASE OF PROPERTY**

The Criminal Investigations Division Commander 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.

The property release form shall be signed by the person receiving the property and must conform to the items listed on the Property Record or must specify the specific items to be released. Release of all property shall be documented on the Property Record.

Found property and property held for safekeeping shall be held for the period of time required by law. During such period, the submitting deputy 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.

The Property Officer shall release the property when the owner presents proper identification. If some items of property have not been released, the Property Record will remain with the Property

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and Evidence Room. After release of all property entered on the Property Record, the Property Detail Report will remain in the Property and Evidence Room and filed in accordance with the records and retention schedule.

Firearms or ammunition should only be released upon presentation of valid identification and only after confirmation has been received from the Maryland Gun Center via email. The email confirmation shall be attached to the Property Record.

#### 802.7.1 DISCREPANCIES

The Chief Deputy shall be notified whenever a person alleges there is a shortage or discrepancy regarding the person's property. The Chief Deputy will interview the person claiming the shortage. The Chief Deputy shall ensure that a search for the alleged missing items is complete and shall attempt to prove or disprove the claim.

#### 802.7.2 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.

#### 802.7.3 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 Officer 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 Officer 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.
- (c) If the respondent does not desire that the firearms/ammunition be returned, the Property Officer 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 Officer may release the property to the person upon proof of ownership if the person is not prohibited from possessing the firearms/ammunition.

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### **802.8 DESTRUCTION OR DISPOSAL OF PROPERTY**

The Criminal Investigations Division Commander 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 the investigating deputy, State's Attorney's Office, or the Court. The disposition of all property shall be entered on the Property Record and Property Detail Report.

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 (Md. Code CP § 13-206).
- CDS declared by law to be illegal to possess without a legal prescription (Md. Code CP § 12-403).
- Money seized in connection with arrest for unlawful bookmaking, betting, or gaming (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).

#### **802.8.1 BIOLOGICAL EVIDENCE**

The Property Officer 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 Commander

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 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 retained in the appropriate 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 Commander. If the Property Officer determines that biological evidence should be destroyed before the end of the statutorily required retention period, the Property Officer should give 120-days' notice to the appropriate parties pursuant to Maryland law, if applicable (Md. Code CP § 8-201).

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Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff 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 Criminal Investigations Commander 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).

#### **802.8.2 REQUEST FOR NOTICE**

Upon written request by a victim of sexual assault, the Caroline County Sheriff's Office 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).

#### **802.8.3 MARIJUANA**

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth and the Property Officer shall make efforts to lawfully destroy the contaminated marijuana in compliance with this policy and as soon as practicable. The Property Officer should consult with the member assigned to the case investigation for his/her authorization to destroy the remaining marijuana after taking representative samples and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

#### **802.8.4 MEDICAL CANNABIS**

The investigating member should advise the Property Officer and the prosecutor if the party from whom the marijuana was seized claims that the possession of the marijuana is for medical purposes.

The Property Officer shall store marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical cannabis consistent with the provisions of the Medical Cannabis Policy.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

### **802.9 INSPECTIONS OF THE PROPERTY AND EVIDENCE ROOM**

The Chief Deputy shall ensure that periodic, unannounced inspections of the Property and Evidence Room are conducted to ensure adherence to appropriate policies and procedures. The Criminal Investigations Division Commander also shall ensure that an audit is conducted two times per calendar year, or as directed by the Sheriff. Inspections and audits shall be conducted

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by the Criminal Investigations Division Commander and witnessed by the Criminal Investigations Division Sergeant.

Whenever there is a change of assignment for any member with authorized access to the Property and Evidence Room, an inventory of all property shall be conducted by the outgoing Criminal Investigations Division Commander and the incoming Criminal Investigations Division Commander and verified by the Chief Deputy. This is to ensure that all property is accounted for and records are correct.

## Records Unit

### 803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Caroline County Sheriff's Office Records Unit. The policy addresses agency file access and internal requests for case reports.

### 803.2 POLICY

It is the policy of the Caroline County Sheriff's Office to maintain agency records securely, professionally and efficiently.

### 803.3 RESPONSIBILITIES

#### 803.3.1 RECORDS MANAGER

The Sheriff shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Support Services Commander or the authorized designee.

The responsibilities of the Records Manager include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Unit.
- (b) Scheduling and maintaining Records Unit time records.
- (c) Supervising, training, and evaluating Records Unit staff.
- (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 case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
  1. Homicides
  2. Cases involving agency members or public officials
  3. Any case where restricted access is prudent

#### 803.3.2 RECORDS UNIT

The responsibilities of the Records Unit 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.



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- (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) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:
  - 1. Deputy suicides
  - 2. Deputy misconduct
  - 3. Uses of force
  - 4. Deputy deaths or assaults
  - 5. Crime incidents
  - 6. Deaths in custody
- (h) 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 deputies disciplined.
  - 3. The type of discipline administered to each deputy.
- (i) Complying with state requirements regarding the annual reporting of deputy-involved deaths and deaths in the line-of-duty (Md. Code PS § 3-507).
- (j) 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.
- (k) Complying with reporting requirements related to searches and seizures involving potential handgun violations under Md. Code CR § 4-203 (Md. Code CR § 4-206).
- (l) 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.
- (m) Complying with the annual reporting requirements related to use of force incidents involving a deputy that result in a monetary settlement or judgment against the Agency (Md. Code PS § 3-528).
- (n) Complying with the annual reporting requirements related to search warrants (Md. Code PS § 3-525).

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- (o) Complying with the annual reporting requirements to the MPTSC related to the number of use of force complaints made against the Caroline County Sheriff's Office's deputies (Md. Code PS § 3-514).
- (p) Complying with reporting requirements related to Crisis Response Team (CRT) activation and deployment, if applicable (Md. Code PS § 3-508).
- (q) Complying with reporting requirements regarding firearms-related crimes or firearms surrendered under final protective orders (Md. Code PS § 5-803).

#### **803.4 FILE ACCESS AND SECURITY**

The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a sheriff's agency case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Unit, and accessible only by authorized members of the Records Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Duty Officer.

The Records Unit will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

##### **803.4.1 ORIGINAL CASE REPORTS**

Generally, original case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting agency member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Unit shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Unit.

All original case reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

#### **803.5 CONFIDENTIALITY**

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit 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 Unit procedure manual.

# Records Maintenance and Release

## 804.1 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.

## 804.2 POLICY

The Caroline County Sheriff's Office 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.).

## 804.3 CUSTODIAN OF RECORDS

The Sheriff 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 division 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):
  - (a) Authorized or required by law.
  - (b) Relevant to the accomplishment of a legitimate purpose.
- (j) Adopting rules defining sociological information held by the Caroline County Sheriff's Office and restricted release of the information (Md. Code GP § 4-330).

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- (k) Ensuring updated contact information for the Records Manager 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 deputy misconduct as defined by Md. Code PS § 3-101 (Md. Code PS § 3-515).

#### **804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any agency member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

##### **804.4.1 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.
- (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.

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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).

#### **804.4.2 DISPUTES**

Anytime a written complaint regarding a dispute is received from the State Public Information Act Compliance Board (Board), the Custodian of Records shall notify the Chief Deputy. A written response containing the required information shall be filed with the Board within 30 days after receipt of the complaint (Md. Code GP § 4-1A-06). The Custodian of Records shall cooperate with the Board and participate in any processes outlined by law (Md. Code GP § 4-1A-05 et seq.). Legal counsel should be consulted with regard to all such challenges unless waived by the Chief Deputy.

In the event that the Custodian of Records becomes aware that an applicant has made a complaint to the Office of the Public Access Ombudsman, the Custodian of Records shall notify the Chief Deputy. Legal counsel should be consulted with regard to all such complaints unless waived by the Chief Deputy (Md. Code GP § 4-1B-04; Md. Code GP § 4-301).

If the Custodian of Records believes that an applicant's request or pattern of requests is frivolous or has been made in bad faith or with the purpose to annoy, the Custodian of Records should notify the Chief Deputy, who, in consultation with legal counsel, should determine whether a complaint should be made with the Ombudsman or Board as allowed by law (Md. Code GP § 4-1A-01 et seq.; Md. Code GP § 4-1B-01 et seq.).

#### **804.5 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, personal email 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

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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).
- (f) Personnel records, including retirement records, medical records, and personal employee information, including an employee's home address, email 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).
- (p) Any records relating to a petition for an emergency evaluation (Md. Code HG § 10-630).

#### **804.6 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.

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Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the State's Attorney, Attorney General or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Agency so that a timely response can be prepared.

#### **804.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the agency name and to whom the record was released.

Each audio/video recording released should include the agency name and to whom the record was released.

#### **804.8 SECURITY BREACHES**

Members who become aware that any Caroline County Sheriff's Office system containing personal information may have been breached should notify the Records Manager as soon as practicable.

The Records Manager shall ensure the required notice is provided to the Office of the Attorney General, the Department of Information Technology, 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.

Notice shall be given as soon as reasonably practicable after discovery of the possible breach consistent with the legitimate needs of the Caroline County Sheriff's Office 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 and 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 Manager should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

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#### **804.9 EXPUNGEMENT**

Expungement orders received by the Agency shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge 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.).

Unless an order is stayed pending an appeal, the Custodian of Records 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.

#### **804.10 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

## 805.1 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 Caroline County Sheriff's Office. 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.

### 805.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Caroline County Sheriff's Office 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.

## 805.2 POLICY

Members of the Caroline County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

## 805.3 RESPONSIBILITIES

The Sheriff shall select a member of the Agency to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- (a) 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), Motor Vehicle Administration (MVA) records, Maryland Criminal Justice Information System (CJIS), and Maryland Electronic Telecommunications Enforcement Resource System (METERS).
- (b) 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. See the Caroline County Sheriff's Office CJIS Access, Maintenance, and Security Policy for additional guidance.
- (c) Developing, disseminating, and maintaining procedures necessary to comply with confidentiality and release of information obtained from the Biological Agents Registry Program (BAR) (Md. Code HG § 17-604).
- (d) Developing, disseminating, and maintaining procedures necessary to comply with the requirements of Md. Code SG § 10-1702 to prevent the sale or redisclosure of personal records and geolocation data.

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- (e) 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.
- (f) Developing procedures to ensure training and certification requirements are met.
- (g) Resolving specific questions that arise regarding authorized recipients of protected information.
- (h) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

#### **805.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Caroline County Sheriff's Office 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. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

#### **805.5 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 Records Manager 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 Unit 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 deputies, other agency members, or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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#### **805.6 SECURITY OF PROTECTED INFORMATION**

The Sheriff will select a member of the Agency to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

- (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 Sheriff and appropriate authorities.

##### **805.6.1 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).

#### **805.7 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.

# Animal Control

## 806.1 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.

## 806.2 POLICY

It is the policy of the Caroline County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

## 806.3 ANIMAL CONTROL

Animal control services are generally the primary responsibility of Animal Control and include the following:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

## 806.4 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.

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 an Animal Control officer.

Members may consider acting before the arrival of an Animal Control officer 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.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, 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.

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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 by an Animal Control officer.

#### **806.5 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) Deputies 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, a deputy 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. An Animal Control 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 deputy and/or Animal Control should follow the requirements of Md. Code CR § 10-615.1 for filing a petition with the court.

##### **806.5.1 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).

#### **806.6 ANIMAL BITE REPORTS**

Members (Animal Control officers) investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Members shall complete

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the Maryland Animal-Bite Report and Rabies Quarantine Agreement Form and make the report 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).

Efforts should be made to capture or otherwise have the animal placed under quarantine in accordance with Md. Code HG § 18-320. Members should attempt to identify and notify the owner of the final disposition of the animal.

#### **806.7 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 by an Animal Control officer to the appropriate shelter/holding pen.

Members (Animal Control officers) shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

#### **806.8 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Duty Officer will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

#### **806.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals (i.e., barking dogs), as such calls may involve significant quality of life issues.

#### **806.10 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 should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

#### **806.11 INJURED ANIMALS**

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 by an Animal Control officer.

When an 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)).

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#### **806.12 EUTHANIZATION OF 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. A badly injured animal shall only be euthanized with the approval of the Duty Officer.

#### **806.13 TRAINING**

Members shall receive training as follows (COMAR 15.14.15.04):

- (a) All members handling reports of animal cruelty shall receive training on the confidentiality and restrictions on dissemination of records and information relating to these reports.
- (b) All members shall receive training on the requirements of COMAR 15.14.15.04 and the consequences for releasing confidential information (Md. Code AG § 12-101 et seq.).
- (c) All members shall receive training on the requirements of the Public Information Act and how to protect confidential information.