

Salisbury University Police Department

CHAPTER 82 – CENTRAL RECORDS

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Salisbury University Police Department

CHAPTER 82 – CENTRAL RECORDS

The records function is important to the delivery of law enforcement services. These standards address the agency's administrative and operational needs in terms of the central records function.

82.1 Administration

82.1.1 Privacy and Security

The State of Maryland and the Department of Criminal Justice Information Services have adopted, both statutory law and rules and regulations which govern the security, privacy and dissemination of adult and juvenile arrest record information. These laws, rules, and regulations also pertain to the physical area where record information is collected, processed and stored. The University Police Department will, at all times, comply with these laws, rules, and regulations. It is imperative that all personnel, especially those assigned to the Records function, understand and comply with these codes, rules, and regulations.

Definitions:

Criminal Justice Agency means a court or any other governmental agency or subunit which as its principal function performs the administration of criminal justice and any other agency or subunit of which performs criminal justice activities.

Central Records means that repository in this State, operated by the Maryland State Police, which receives, identifies and maintains individual criminal history records from criminal justice agencies throughout the state.

Criminal History Records Information means records and data collected by criminal justice agencies on adult and individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal charges, and any disposition arising from these sources. The term shall NOT include juvenile record information, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

Conviction Data means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising there from, in any court.

Dissemination means any transfer of information, whether orally, in writing, or by electronic means. The term does not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to the information.

Expunge means removal of specific criminal history information, as defined by a court order from public inspection or access.

Purge means removal by a court order from public inspection or access.

Seal means to physically secure to prevent inspection, except where specified by court order.

Criminal History Record Information Area means any area in which criminal history record information is collected, stored, processed, or disseminated.

Responsibilities:

Persons authorized to release Criminal History Record Information (PCOs, Administrative Assistant, Squad Supervisors and Division Commanders) shall be responsible for completing a Criminal History Sign log, SUPD form 026, whenever any such information is disseminated to any person.

Supervisors shall ensure that security measures are followed to provide maximum security of criminal history record information. Unauthorized persons will not be allowed to enter areas where such information is stored, collected, or processed.

The *Administrative Commander*, responsible for the Communications Center, shall ensure that Criminal History Record inquiries are processed in accordance with state laws and rules and regulations; (Refer to 82.1.7) and the dissemination record file is maintained.

A. Security and Access to Agency Files:

Access to the Department's Records section where criminal history record information is collected, stored, processed, and disseminated shall be limited to authorized persons to include:

1. Administrative Assistant;
2. Criminal Investigator;
3. PCO Supervisor;
2. Squad Supervisors;
3. Division Commanders; and
4. Chief of Police

The Records Section door will remain locked at all times when it is unattended. All authorized personnel have access via a card reader system that electronically logs entry using the employee's assigned employee number.

The Administrative Assistant maintains strict controls over employees' personnel files, arrest files and other confidential information.

- B. All information stored on hard drives, diskettes, etc, which is owned by the University Police Department is to be considered confidential. Information stored on these devices is the property of the University Police Department and will only be released in accordance to the Department's Written Directives. All data may be accessed or inspected by the Chief of Police or his designee.
- C. All devices which are not owned by the University Police Department, yet are attached or interfaced with agency equipment will follow the University's Acceptable Use Policy which is distributed and signed by all employees.
1. All data is assumed confidential and information received from computer files which are owned, controlled or managed by SUPD will not be released to unauthorized persons outside the scope of the Written Directives or University policy.
 2. No one will use or attempt to use the user ID and password of another person. This is a violation of Maryland State Law. Refer to Maryland Code, in particular 8-606 and 7-302.
 3. No one will intentionally and/or willfully access (or attempt to) information which they are not allowed to access.

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4. No one may intentionally, willfully, or without authorization identify or attempt to identify any valid access code or distribute any valid access to anyone except for individuals who are assigned this code.
5. Anyone that is not employed by this department will not operate any of the computers, devices, terminals, etc., as listed above. Exceptions to this rule will be individuals authorized by this department to operate the above listed equipment and agrees to adhere to this policy as well as University's technical support personnel. Authorization to non-employees can only be granted by the Chief of Police or his designee. It is the responsibility of anyone who has signed this policy to report violations.
6. No one shall willfully and/or intentionally allow someone who is not authorized, access to any hardware or software which falls under this policy. No one will remove data from the University Police Department, unless authorized by departmental policy or with permission of the Chief of Police.

D. Accessibility After Hours

Squad/PCO Supervisors have access to the Records Section after normal business hours.

E. Release of agency records

1. The Records function of the University Police Department is under the direct responsibility and control of the Administrative Assistant who will normally handle routine requests and timely dissemination of various printed and electronic reports copies within the agency, to appropriate university officials and to various officials and allied agencies outside the university. Employees who need documents that are kept in the Records Section that are not otherwise available for printing from ARMS must request these records from the Administrative Assistant unless the records are accessible to those authorized personnel.
2. Central records information is accessible by both physical availability or technology to authorized personnel at all times. Squad Supervisors, Division Commanders and Communications personnel are authorized to access files and records during hours when the Administrative Assistant is unavailable. Employees who need reports from the records section in the absence of the Administrative Assistant will contact another authorized person.
3. Citizens who request copies of agency records must submit a Records Request form or similar written request to the Administrative Assistant.

Refer to 82.2.4

F. The Family Educational Rights and Privacy Act (FERPA) afford students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.
2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

3. The right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

FERPA authorizes disclosure of the following records without prior consent of the student:

1. Name;
2. Local address;
3. Date and place of birth;
4. Major field(s) of study;
5. Participation in officially recognized activities and sports;
6. Weight and height of athletic team members;
7. Dates of attendance;
8. Degrees and awards received;
9. Most recent previous educational agency or institution attended; and
10. Listing of student organizations.

Students who want more or less than directory information listed above to be released without prior notification or consent should notify the Registrar. Salisbury University does not sell or otherwise provide mailing lists of student information to anyone outside of the University. The University Registrar is responsible for compiling and maintaining directory information.

The full text of Salisbury University's *Policy on Confidentiality and Disclosure of Student Records* is available on the web and printed annually in the *Student Code of Conduct* by the Office of Student Affairs.

82.1.2 Juvenile Records

A. Methods to Distinguish Juvenile Records

Juvenile arrest records are separated from adult criminal records: collected, disseminated, retained, and disposed of in accordance with state law. ***Juvenile records are confidential and shall be maintained separately from those of adults.***

When a juvenile has been arrested and charged as an adult or has been waived to an adult status or the information regarding the specific charge is treated the same as any adult records.

B. Fingerprints, Photographs and other forms of identification

Fingerprints and photographs may be taken of a juvenile regardless of age in those cases where an adult would have been fingerprinted and photographed. The Field Operations Commander will submit fingerprint cards to CJIS in cases necessary.

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Other physical samples may be taken from a juvenile for identification purposes only after the officer has conferred with the State's Attorney for advice and assistance as to the legalities and proper procedure for obtaining such sample. Samples felt necessary may include, but are not limited to: hair, blood, buccal swabs, urine, nails, breath, handwriting, etc.

C. Physical Security and controlling access to juvenile confidential information

All juvenile records are confidential and are maintained separately from adult files. Confidential information received from a juvenile shall be given to the Criminal Investigator who is responsible for a separate and secure location for the confidential information, and for the control and use of such information.

D. Disposition of Juvenile records after reaching adult age

Juvenile records will be removed from active juvenile arrest files, stored separately as inactive files when the juveniles reach the age of 18, and retained consistent with the agency's records retention and destruction schedule.

Inactive juvenile records may be accessed only for investigative purposes by law enforcement personnel and DJS personnel.

E. Expungement when ordered by the Court

When ordered by the court, the juvenile record is expunged and certification of the expungement is forwarded to the court. The certification copy is placed in the juvenile record, sealed and placed in the expungement section of central records. The Administrative Assistant is responsible for completing these expungements.

F. Retention of Arrest Information

Adult arrest records are retained on a permanent basis or until confirmation of the death of the arrestee, unless otherwise ordered by the court. Juvenile arrest records are retained and disposed of in accordance with state law.

G. Release of Juvenile Records

1. The contents of these arrest records may not be divulged to the public, except by of the court. Department of Juvenile Services may access juvenile arrest records for confidential uses.
2. Parents and the juvenile are not entitled to review or receive copies of juvenile arrest records.
3. Under no circumstances shall federal agencies, military recruiters, and private employers be given access to juvenile arrest records to conduct security clearances, or background investigations for employment purposes.
4. Any law enforcement agency may access juvenile arrest records in order to investigate or prosecute the juvenile. Requests for this information must be in writing on the requesting agency's letterhead and clearly state the requesting person's name, agency, address, contact information and the reason for the request. The original request will be attached to the reports and filed appropriately.

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(Revised 01/01/2014)*

5. When a court order is obtained for release of a juvenile arrest or information, a copy of the order is to be attached to the original report and placed in the appropriate file.
- H. Requests for information regarding juveniles involved in motor vehicle collisions may be released if the charges do not involve actual or potential incarceration, and the juvenile is not charged on a juvenile arrest sheet.

Refer to Annotated Code of Maryland, CP 10-105 and CP 10-106
Refer to Annotated Code of Maryland, CJ, 3-8A-27 and ED 7-303

82.1.3 Record Retention Schedule

The University Police Department utilizes a records retention schedule and purges records in accordance with state law.

82.1.4 Uniform Crime Reporting

The Salisbury University Police Department participates in the National Uniform Crime Reporting Program. Crime data is collected and standard report forms are prepared by the Administrative Assistant who submits information as specified in the UCR manual.

Final reports are mailed to the Maryland State Police Headquarters, which is the state UCR repository, and must be received by the 7th of each month.

82.1.5 Report Accounting System

The agency's field reporting system is primarily contained in the case management module of the Automated Records Management System (ARMS). If the system is unavailable, a hard copy report will be written. Capabilities of this system include, but are not limited to:

1. Recording every incident of citizen complaints and crime reports, incidents in which an officer is dispatched, criminal and non-criminal cases and arrests, citations and summons issued;
2. Assigning unique numbers to every case;
3. Computer applications and modules to be completed for specific types of cases;
4. Supervisory review and approval;
5. Maintaining indexed information to include: all persons identified in reports, case numbers, incident types, incident locations, stolen, recovered and evidentiary property, etc
6. Accounting for the status of all case numbers, reports, case assignments, follow-up reports and dispositions.

Other forms and reports which are required include:

1. ACRS Report – See 61.2.1 Traffic Collision Reporting and Investigation
2. Missing Persons Reports – See 41.2.5 Missing Persons
3. Maryland Uniform Complaint and Citations – See 61.2.1 Uniform Enforcement Procedures
4. Criminal/Civil/Juvenile Citations – See 1.2.6 Alternatives to Arrest and 44.2.1 Handling Offenders

Refer to 42.1.3 and 42.1.4 - Criminal Investigation – Case File Management

82.1.6 Computer File Backup and Storage

The University's Information Technology Department ensures that back-ups of the department's central records computer files are completed daily. Used media is recycled and physically destroyed by computer personnel when no longer operable. The daily backups are stored by the IT department as well as an off-site location. Authorized employees are issued a user name (access code) and a password to access the department's computer network. This password expires every 90 days at which time authorized employees will be prompted to change their password. Additionally, the Automated Records Management System (ARMS) requires a password to log into the system. Each authorized employee is assigned an initial password upon employment and passwords expire every 90 days at which time employees will be prompted to change their password. *An audit of passwords will be completed at least annually.*

82.1.7 Computerized Security Protocol

Employees authorized for access and release of criminal history records are NCIC certified by the State of Maryland based upon the successful completion of training by the Maryland State Police. An employee's level of certification (security) is based upon his/her position and area of responsibility. The training received is tailored to meet the employee's level of security. Patrol officers are authorized to access only the following information through an NCIC inquiry: motor vehicle license and registration verification, wanted subjects and stolen motor vehicles. PCOs are authorized, through advanced training, to access all of the above to include criminal history information and entry, modification and cancellation of stolen items and/or wanted persons.

Employees authorized to check and distribute criminal history information do so in conformance with applicable state and federal law(s). Records disseminated shall be documented by SUPD form 026, Criminal History Sign log, which is maintained in the Communications Center.

Violations are monitored by the State of Maryland and an audit of the department's record system is conducted by the State of Maryland on an annual basis.

82.2 Field Reporting and Management

82.2.1 Field Reporting System

The department uses a computer aided dispatch (CAD) and automated records management system (ARMS) for entering all calls for service/activities and generated case reports, when required. Entry and recording shall be completed whether it is an on-view or officer-initiated activity or as a result of communication from the PCO, Supervisor or command staff.

- A. Minimally, reporting of all cases and incidents investigated or handled by the agency and operational activities conducted by the agency is accomplished via entry into the ARMS system. Refer to 82.2.2 – Reporting Requirements

A criminal or incident report may not be required when:

1. Complaints are unfounded or handled exclusively by another agency;
2. Complaints are canceled by communications personnel or command staff;
3. Complainants cannot be verified, located or gone on arrival;
4. Alarms are a result of equipment malfunctions or human error (except in the case of designated sensitive areas); or
5. Incidents or operations are of a purely service nature.

- B. All reports are available electronically using the ARMS system's predetermined format for field reporting. If the ARMS computerized system is inoperable, a handwritten report using the appropriate hard-copy forms will be used. This information will later be entered into the ARMS system. Other hard-copy forms which may be required for completion in certain cases include but are limited to incident reports, supplemental reports, arrest reports, property reports, Emergency Petitions, Informant records and so forth.
- C. All reports shall accurately and fully reflect the identity of the persons involved (complainant, victim, suspect, witness), dates, incident type, all pertinent information obtained and any action. Employees shall not repress, conceal or distort the facts of any reported incident.
- D. When a call-for-service requires the completion of a written report, the reporting officer will request that Communications "issue a report" via the ARMS computer aided dispatch module. The reporting officer shall tell Communications if the report will be an Incident Report (IR), a Criminal Report (CIR), an *ACRS Report*, or a Missing Person Report. Upon receiving the request from the officer, the PCO shall designate the type of report to be issued in the CAD "disposition" menu and promptly issue the report case number. The ARMS system will automatically assign the next sequential report number and create the report in the Case Management module.

All reports require the completion of the "face page" to capture the location code, offense or incident code, and the dates and times reported and occurred.

All reports except the ACRS report require the completion of the "narrative" section. (note: The relevant information for motor vehicle crashes is captured on the ACRS report through DeltaPlus. Officers will complete ACRS report and forward to a supervisor for final review and approval.

All reports require at least one entry in the "involved parties" / "add names" module. At minimum, the name of the complainant shall be entered. All known witnesses, suspects, persons interviewed, etc. shall also be entered. All fields must be completed in the module for each involved party (i.e., date of birth, addresses, telephone numbers, physical descriptors, etc.) Home and local addresses must be provided for all students entered in the involved parties module. All persons mentioned in the narrative must have a corresponding "involved parties" entry, and vice versa.

The property module must be completed for all reports that include damaged, found, missing or stolen property, or where property is seized and held as evidence (except ACRS reports). All relevant fields must be completed in the property module, and each property entry must be attributed to an involved party when known. All property mentioned in the narrative must have a corresponding property module entry, and vice versa.

The vehicle module must be completed for all CIR reports that involve the malicious destruction of, tampering with, or theft of a motor vehicle. All reports that involve a business or government agency as the victim require an entry in the "add business" module.

- E. The Squad Supervisor/OIC shall review all reports and upon completion of his/her review shall sign the bottom on the computer generated report prior to submission to the report approval bin in the Squad Room or Records. If corrections are to be made, Supervisors shall place a hold on the report and notify the employee who completed the report to make the appropriate changes prior to review by the *Field Operations* Commander who forwards the file to Records after his final approval.

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ACRS Electronic Reports – Upon successful entry of information into the automated ACRS report through DeltaPlus, officers will print a copy of the crash report (which will be a “draft”) and place a copy of the report into the approval bin in the Squad Room. The Squad Supervisor will review and recommend corrections or approve the ACRS report. If or when approved, the Squad Supervisor will log onto DeltaPlus and submit the report. Once submitted, a final report shall be printed and submitted to the Field Operations Commander who shall forward the file to Records.

In the event the initial responding officer is responsible for the investigation of the incident, a working copy of the report, after approval, shall be made by the investigating officer and placed in the secure file cabinet in the Squad Room. Officers will not maintain original case files.

Refer to 42. 1.3 – Investigative Case File Management

Refer to 42.1.4 – Preliminary and Follow-up Investigations

Depending upon the nature of the report, it may be forwarded to another agency, University department, etc. Reports will not be forwarded until final approval is acknowledged via signature by a Division Commander.

82.2.2 Reporting Requirements

Certain incidents or events necessitate the completion of a written report (Criminal Incident Report or Incident Report.) Officers may become involved in or become aware of these incidents as a result of self-initiated actions or in response to a request for service through:

- A. Citizen reports of crime;
- B. Citizen complaints;
- C. Incidents resulting in an employee being dispatched or assigned;
- D. Criminal and noncriminal cases initiated by law enforcement; and
- E. Incidents involving arrests, citations or summonses.

Refer to 82.2.1 – Field Reporting System

82.2.3 Case Numbering System

All criminal investigative/incident (CIR/IR) reports initiated by the department will be assigned a case number which is automatically and sequentially assigned by the Automated Records Management System (ARMS) which ensures that no two cases will be assigned identical numbers.

82.2.4 Report Distribution

Case Reports are vital documents to the citizens as well as the Police Department. The documents describe the occurrences, permit assignments for investigation and serve a variety of other purposes. The flow of the case reports to their proper destinations should be smooth and properly handled. Distribution of all reports is the responsibility of those persons authorized to release information contained therein.

It shall be the policy of the University Police Department that whenever a person is charged by an officer of this Department a case file will be completed.

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Completed Case Reports and Supplement Reports will be submitted to the reporting officer's immediate supervisor for signature prior to the end of the reporting officer's tour of duty. The supervisor will then place the completed reports in the proper tray located in the squad room. If the officer's immediate supervisor is not available, the on-coming supervisor will perform the above function. Reports that are placed in the tray are reviewed by the *Field Operations* Commander who shall forward cases that require further in-depth investigation to the Criminal Investigator. Any officer assigned to investigate any criminal/traffic case will do so thoroughly and promptly.

Refer to Chapter 42 – Criminal Investigation

All approved original initial, supplemental or follow-up reports will be turned in to the Administrative Assistant who is responsible for creating case file folders and logging them into the Records section.

Officers who conduct investigative follow-ups of criminal/traffic cases may retain a working copy of the case but all original documents will be forwarded to the Administrative Assistant in order that a properly completed case file is available for court purposes. Working copies will then be destroyed.

Copies of traffic accident reports are not released to those involved by the officer, but may later be purchased by parties involved and/or insurance companies upon their request to the Records section. If information from a case report is needed by an individual or an insurance company, the Administrative Assistant can verify whether a report has been filed. If the individual requests additional information, the individual will be referred to the investigating officer.

Refer to 82.1.1 (E-F) and Chapter 54 - Media Relations

82.2.5 Reports by Telephone, Mail or Internet

The department may receive specified crime and incident report information via the telephone or mail depending upon the nature of the complaint and the complainant. If information is received in either method, the employee who receives the information will make direct contact with an officer who shall ensure the appropriate handling of the complaint (CIR, IR, Missing Persons report, etc.) The department also uses an online reporting system available on its website at www.salisbury.edu/police under the "Silent Witness Crime reporting" or "Report Threatening Behavior" link. If information is transmitted using these methods, the information is conveyed via email to the Communications Center and University Police accounts. Officers will generally meet directly with complainants in order to gather information regarding reports of crimes or incidents unless otherwise approved by a Division Commander (ie. the victim is out of the area.)

82.3 Records

82.3.1 Master Name Index

and

82.3.2 Index File

The department's Automated Records Management System maintains a master name index that serves as a cross reference to reports in which a person has been named. The files may include victims, complainants, suspects, witnesses, arrested persons, persons issued traffic citations, and field interview reports, etc.

The departmental computer system maintains records to include, but not limited to the following:

1. Service calls and crimes by type;
2. Service calls and crimes by location; and
3. Stolen, found, recovered and evidentiary property files.

(Revised 07/01/2014)

82.3.3 Traffic Records System

The department's Automated Records Management System maintains information relative to traffic information to include, but not limited to:

- A. Traffic collision data;
- B. Traffic enforcement data; and
- C. Roadway hazard information.

Additionally, information can be located in manual report files (ACRS, citations, warnings, etc), District Court case dispositions, SU Office of Environmental safety reports, Fire/EMS response reports, analytical reports by State Highway Administration and so forth.

An analysis of this data can provide the agency, other University departments and allied police and service agencies within the jurisdiction and surrounding areas information which may increase prevention and enforcement efforts. The availability and timely assessment of traffic data will ensure that proactive efforts to reduce collisions and increase public safety are addressed.

The Administrative Assistant is responsible for the Records function and handles the requests for copies of any traffic reports. The University Police Department does not charge a monetary fee for any report.

82.3.4 Traffic Citation Maintenance

INSTRUCTIONS FOR COMPLETING THE CITATION

Officers will charge violations of the Maryland Vehicle Law by issuing the violator a Maryland Uniform Complaint and Citation. The following instructions are provided as a guide to completing the citation:

A. Witness Summons

If there is to be a witness summoned, check the witness box and complete information on the reverse side of the number one copy. Indicate a complete mailing address for each witness listed, including telephone number with area code if available. Enter witnesses on ALL related citations if they should be summoned. Entry of a witness on only one of the related citations will result in issuance of summons to the witness for the single citation only.

B. Related Citations (LOOPING)

If there are related citations -- check "Related Citation" and write the related citation number in designated area. To loop correctly, on the first citation issued, enter the citation number of the second citation; then enter the number of the third citation issued on the second citation; and so on, until the last citation is issued. On the last citation issued write the number of the first citation issued.

For Example:

Citation 4364097 -- write 4364098 as related citation

Citation 4364098 -- write 4364099 as related citation

Citation 4364099 -- write 4364097 as related citation

When issuing multiple citations, "Must Appear" citations should be written first, followed by payable citations.

C. Driver's License

Enter the number of the defendant's driver's license, including license class and state of issuance. If the defendant has no license number, enter "None." Do not leave it blank. On Maryland licenses make sure that the first letter corresponds with the first letter of the last name.

D. Defendant's Name

Enter the defendant's FULL first, middle, last name, and suffix as it appears on the license, including hyphens. If a non-resident license indicates only initials for the first or middle name, inquire as to given name and record the full name, not just the initial.

E. Defendant's Address

Enter the defendant's street address, box number, apartment number, city, county, state, zip code, etc. Do not use "No Fixed Address." Enter the CURRENT address if different from the address shown on the license. Inform the defendant to notify both the District Court and the MVA of any change of address. (You may enter the address shown on the license, if different from the current address, on the reverse side of the #1 copy together with defendant's name. Thus, the defendant will receive notices at two addresses. For any name/address items listed on reverse side, check witness box to alert data entry clerks.)

F. Descriptive Information

Enter the height, weight, race, sex, and birth date of the defendant. Record the FULL date of birth (month-day-year). If the license indicates only a month and year for the birth, as some states do, inquire as to the day of birth. Without full date of birth, no conviction information will be applied to driver record. Enter the defendant's telephone number including area code.

G. Race Codes

Use the following codes for race and enter:

- 1— Black or African American
- 2 -- White
- 3 -- Asian, Native Hawaiian or Other Pacific Islander
- 4 -- American Indian or Alaska Native
- 5 – Multiracial

H. Vehicle Information

Vehicle License No., State - Enter the vehicle registration number and state of issuance. If the vehicle displays no registration, enter "none." If the vehicle stopped was a bicycle or moped, enter "Bicycle" or "Moped."

Vehicle Year, Make, Model, Type, and Color - Enter the year, make, model, type, and color of vehicle.

I. Violation Date and Time

Enter numerically the month, day, and year of violation. Enter the time and mark block for A.M. or P.M. (Do not use military time).

J. Special Indicator Blocks

Check all special indicator blocks that are applicable and/or mandated by Federal Law. Federal Law requires a response of Yes or No for Hazmat, Commercial Vehicle and CDL License questions on all citations.

1. P.I., P.D., Contributing to Accident, Safety Belts

If the defendant contributed to an accident, check Contributing to Acc., indicate personal injury and/or property damage accident. If required safety belts were in use, check Safety Belts.

In the PI block, indicate the seriousness of the injury using one of the codes shown below:

- a. No bodily injury
- b. Possible bodily injury
- c. Personal Injury
- d. Serious bodily injury
- e. Fatal

2. Hazardous Material (HAZMAT)

A Yes or No response is mandatory. If the vehicle is placarded or required to be placarded for hazardous materials, it is a commercial motor vehicle. Check Yes to Hazmat and check Yes to Comm. Vehicle.

3. Commercial Motor Vehicle - A Yes or No response is mandatory.

Commercial Motor Vehicles Are: (check Yes)

- a. All vehicles with gross weight (GVW) of 26,001 or more pounds
- b. All vehicles with gross combination weight (GCW) of 26,001 or more pounds
- c. Bus designed to transport 16 or more people (including driver)
- d. Any vehicle towing trailer with GVW over 10,000 pounds
- e. Any vehicle required to have HAZMAT placard

Commercial Motor Vehicle Exceptions: (check No)

- a. Recreational vehicles (campers, travel trailers, boat trailers)
- b. Fire and rescue vehicle
- c. Vehicle owned and operated by a farmer within 150 miles of farm
- d. Department of Defense -- with active duty military driver

4. Commercial Driver License (CDL): Does driver have a commercial driver license? - A Yes or No response is mandatory.

5. Fatal Accident: If the defendant contributed to an accident which resulted in a fatal injury.

6. A/R Suspended/Revoked: If the license of the defendant was suspended or revoked for an alcohol offense.

K. Location of Offense

Record the precise location of the violation and make sure NOT to use the location of the stop, if different. Include Wicomico County.

L. County Code, Area

Record the county code number - 22 and Area – HZ SSU

M. Arrest Type

Record the appropriate code to reflect the precise type of enforcement. All codes are listed on the inner flap of the citation book.

N. DOT Number

Enter vehicle Department of Transportation number when issuing citation for violation of DOT regulations.

O. Pre-Printed Violations

If the violation charged to the defendant is of a section of the law printed on the citation, circle that charge. Do not write a narrative or description in the space available for writing a charge, as it will not be entered if a charge has been circled. The system will consider this to be a second charge and two charges cannot be entered for one citation. You may circle only one charge.

P. Write-In Violations

Use the Fine Schedule for the proper charge and section. If the violation is NOT printed on the citation, determine if the charge is a violation of:

Transportation Article (Motor Vehicle Law) is noted by checking the box "TA."

Business Regulation Article is noted by checking the box "BR."

A violation of a local ordinance or public local law is noted by checking the box "LO."

Maryland Regulation is noted by checking the box "MR."

Maryland Regulation (MR) violations are generally not identified by a title and/or subtitle, but merely by a section and/or paragraph number. This reference is to be indicated in the area normally utilized to specify the subtitle/paragraph. You must also enter the written charge.

MANY CHARGES IN THE SCHEDULE CONTAIN WORDS WITHIN PARENTHESES. EACH WORD OR SET OF WORDS THEREIN SEPARATED BY COMMAS IS AN OPTION. WHEN COPYING THE CHARGE ONTO THE CITATION, YOU MUST SELECT FROM THESE OPTIONS THE WORD(S) THAT REFLECT THE APPROPRIATE SPECIFICS ABOUT THE OFFENSE.

Q. Pre-Payable Fine

Check Schedule of Pre-Set Fines (DC/CR 90) established by the District Court of Maryland for the proper fine, which includes costs. Check the box next to the corresponding Fine amount. If the fine amount is not printed on the citation, check the box next to "Other" and write in the correct fine amount.

BE CERTAIN OF THE FINE AMOUNT. The court will notify the defendant of any overpayment or underpayment. If the violation is a "MUST APPEAR" (MA), do not enter a pre-payable fine amount.

R. Notice to Appear

If the charge requires the defendant's appearance in court check the block "You must appear for trial..." Only charges that provide for a possible term of incarceration are "Must Appear." If the charge is payable check the block "You have the right to stand trial..."

S. Officer's Signature

The charging officer must sign the citation in the first half of the "Officer's Signature" line. In the second half of the line, the officer will legibly print his/her last name.

T. Agency/Officer Codes – Agency – 02, Sub-agency – 03 and Officer's ID number

U. Radar/Breathalyzer Operators

If a Radar Operator is required to appear as a witness for the charge, use this section to summons the officer. Enter the officer's name and proper codes. If the officer is with a different agency, use the witness summons form.

DO NOT use this section to summons a Breath Test operator. Breath Test results are admissible without the presence of the Operator. The Operator is only required to attend court when summoned by the Defense.

V. Defendant's Signature

Request the defendant sign the citation and explain that the signature does not imply an admission of guilt, but only serves to acknowledge receipt of the citation and the defendant's promise to appear for trial or pay the fine. Except as delineated below, the defendant is required to sign at the line marked "X." If the defendant refuses, you may charge defendant with refusing to sign. If or when a citation is completed charging the defendant with refusing to sign a citation when requested by a police officer, then the defendant may be placed under arrest in the same manner as, and without more force than in a misdemeanor case.

If the driver has been arrested for a violation of the Motor Vehicle Law (DUI, Suspended, etc.) and refuses to sign the citation(s), he/she cannot be charged for refusing to sign the citation when requested by a police officer. However, if the defendant refused to sign the citations, he/she cannot be released from the police department. The defendant must be presented to a District Court Commissioner.

A defendant's signature is not required when issuing a citation to a defendant who is:

1. Incapacitated or otherwise unable to comply
2. Citation is issued to unattended vehicle for violation under section 21-1003 (parking violation)
3. Citation is issued to unattended vehicle for violation of section 13-402 (parking unregistered motor vehicle)

ACCOUNTABILITY POLICY

The department will exercise control and accountability over all Maryland Uniform Complaint and Citation books issued to officers. In order to account for the state citation books, the accounting procedures described below will be followed.

A. PROCEDURES FOR ISSUING CITATIONS/STORAGE OF CITATIONS

1. Citation books are issued in bulk to the University Police Department upon request. The *Field Operations Commander* is responsible for the issuance, accountability and storage of the Citations.
2. The *Field Operations Commander* will store the citation books in the supply room, a secure location accessible only by the Command staff, or designee.

(Revised 01/01/2014)

3. The *Field Operations Commander* shall log each Maryland citation book on form 052, noting the citations numbers contained therein, and upon issuance to each officer, shall document who received each respective citation book. When the citation book has been completely issued, a new book will be requested of the *Field Operations Commander*.
4. Officers will turn in completed citations to a supervisor by the end of their tour of duty. Supervisors will inspect the citations for legibility and completeness, and will place the issued citations in the report bin located in the Squad Room. Supervisors will pay special attention to the legibility of the issuing officer's signature and identification number.
5. Any issued citation found to be illegible will be returned to the issuing officer for corrective action. Any issued citation found to contain incorrect information will result in notification of same being sent to the issuing officer via the appropriate Supervisor. Disposition of the citation will be done in open court by the State's Attorney.
6. The Administrative Assistant, who handles the Records Section, is responsible for the transmittal of information concerning issued citations between the Police Department and the District Court, and for ensuring that issued citations are promptly forwarded to the District Court.
7. Upon separation from the department, an officer must turn in all assigned citation books to the *Field Operations Commander*.

B. VOIDING A MARYLAND UNIFORM COMPLAINT AND CITATION

1. It is the policy of the department that employees of the department may not void traffic citations unless the procedures outlined in this directive are met.
2. Issued Traffic Citations

The Maryland Transportation Article addresses the disposition of issued traffic citations as follows:

Disposition of citations filed with court -- after the original copy of the traffic citation is filed with the District Court, the citation may be disposed of only by:

- a. Trial, dismissal of the charges, or other official action by a judge of the court;
- b. Forfeiture of the collateral, if authorized by the court; or
- c. Payment of a fine by the person to whom the traffic citation has been issued. (Section 26- 407(c))

"No police officer or other public employee may dispose of a traffic citation, its copies, or the record of the issuance of a traffic citation in any manner other than as required by this section and the rules and regulations adopted by the Administration." (Section 26-407(g)) "In addition to being unlawful, a violation of this subsection constitutes official misconduct. A person may not cancel or solicit another to cancel a traffic citation in any manner other than as provided in this subtitle." (Section 26-408)

(Revised 01/01/2014)

C. Disposition of Non-Issued Citations

Once a traffic citation has been completed and issued by an officer it will not be voided by the officer or Police Department representative. If the citation has not yet been issued to the defendant (the defendant may have signed it), the following procedure will be used:

1. The officer will submit a memorandum to the *Field Operations* Commander stating the reason for requesting a particular citation be voided. The citation must contain the void date in the "violation date" area, and all officer information must be entered. The officer must sign the citation, and "VOID" must be written across the citation. The officer's signature must be placed in the appropriate block, NOT across the face of the citation.
2. The *Field Operations* Commander will review the request, initial the memorandum and forward Both documents to the Chief of Police who, upon approval, shall submit to the Administrative Assistant for filing in the Records section.
3. The Administrative Assistant will review the documents, ensure the citation number is entered on the citation transmittal form, and the original copy and #4 copy are forwarded to the Judicial information System. Copies of voided citations, along with attached explanatory correspondence will be retained by the Records Section in accordance with their retention schedule as established by the Administrative Assistant.
4. If an officer makes an error while writing a citation and the violator's copy has been given to the defendant, the citation must follow normal procedure and be disposed of in open court. It may not be voided. The State's Attorney, on the day of the trial in open court, may amend, or may dismiss the citation.
5. If the officer realizes the mistake before the violator is released, he/she may issue the violator a separate citation in the correct form. Otherwise, the officer will re-charge the violator in court following disposition of the original citation.
6. Upon separation from the department, an officer must turn in all assigned citation books to the *Field Operations* Commander.

82.3.5 Operational Component Record

The central repository of records is securely maintained in the Records Section to include:

1. Case reports;
2. Arrest reports;
3. Traffic accident reports;
4. Adult arrest records;
5. Juvenile arrest records(kept separate from adults)
6. Traffic summons (Refer to 82.3.4 reference issuance of citation forms, accountability, and storage of citations); and
7. Other administrative files as directed by the Chief of Police.

Case files are maintained by the Criminal Investigator and patrol officers in accordance with this chapter and Chapter 42. All original case files and records will be forwarded to the Administrative Assistant for filing into Records. Officers may retain a working copy of their active case files until closure is attained for the specific case (criminal, traffic, etc.)

(Revised 01/01/2014)

82.3.6 ID Number and Criminal History

The University Police Department's ARMS system generates specific numeric identifiers (arrest numbers) for persons arrested by the agency. All arrest information is captured in the ARMS system and made be queried using the Master Name module.

- A. Criminal history record information (CHRI) will not be released by employees except as authorized by statute and related directives.
 1. People may inspect their own CHRI maintained by this agency.
 2. Attorneys may inspect the CHRI of their clients who were arrested by this agency. The right to review local CHRI does not extend to being able to make copies of the documents.
 3. Local CHRI may be released when officers or agents from allied agencies request CHRI and delays in receiving the information from CJIS would unduly impede necessary action by requesting agencies or would violate or materially impair the substantive right of persons about whom the information is released. Instances when such disclosure would be appropriate include, but are not limited to:
 - a. State's Attorneys records checks for court;
 - b. Court Commissioners' inquiries relating to bail hearings;
 - c. Requests from allied agencies during the conduct of ongoing investigations.
 - d. Each of these entities has the ability to access information via CJIS thus; the release of agency information is restricted in in-house records. The SUPD Communications Center will not conduct a criminal history check via CJIS for another agency. Exceptions will only be approved by a division commander. Requestors will be referred to CJIS.
 4. Military recruiters are entitled to local CHRI only after they have applied to CJIS and have been authorized to obtain locally held CHRI.
 5. Private employers who request local CHRI will be referred to CJIS.

Edwin Lashley
Chief of Police