

1.100 AUTHORITY

1.102 GENERAL POLICE AUTHORITY ESTABLISHED

- A. The University of Maryland Police Force is established by ED 13-601.
- B. Police officers of the University of Maryland, College Park Department of Public Safety are members of the University of Maryland Police Force.
- C. Criminal Proceedings 2-101, 2-102, and Public Safety Article 3-201 enumerates the University of Maryland Police Force as being police officers who, in their official capacities, have the authority to make arrests and enforce the general criminal laws of the state.
- D. Officers are issued and may carry firearms consistent with law and agency directives upon meeting the requirements of COMAR 12.04.01 and 12.04.02 as promulgated by MPTC.
- E. Officers are authorized to direct and/or regulate traffic and to enforce provisions of the Maryland Vehicle Law consistent with TR 26-201, *et. Seq.* and agency directives.

1.104 OATH OF OFFICE

- A. All officers hired by the agency will, upon completion of mandated training or appointment as lateral transfer officers, achieve sworn status only after being certified by MPTC and executing an oath of office administered by the chief or designate and the Clerk of the Circuit Court for Prince George's County. The chief will achieve sworn status only by executing an oath of office administered by the university president or designate and the Clerk of the Circuit Court for Prince George's County.
- B. Officers will abide by the oath of office to:
 - 1. Bear true faith and allegiance to the United States of America and to the State of Maryland;
 - 2. Uphold and defend the Constitution of the United States and the Constitution of Maryland;
 - 3. Serve the University of Maryland, protect life and property, and enforce the law; and
 - 4. Obey orders of the Governor, the Board of Regents, and superior officers according to the rules and regulations of the agency.
- C. Oaths of office will be signed by all officers and the chief. Originals will be presented to the affiant officers with copies maintained in officers' personnel files. The Clerk of the Circuit Court for Prince George's County will also maintain a record of oaths of office for each officer.

1.106 LIMITATIONS ON AUTHORITY

These directives related to limitations on authority are not intended to be exhaustive on the subject matter. Where laws, either included or excluded in these directives, are more permissive or restrictive, the laws are controlling.

1.106.02 Jurisdictional Limitations

- A. ED 13-601 and CP 2-102 contain controlling language that describes when Officers may exercise police powers subject to jurisdictional permissions and limitations. The University of Maryland Department of Public Safety has the primary agency responsibility for policing property owned, operated, leased by, or under the control of the University of Maryland System.
- B. At least one official map detailing jurisdictional boundaries is maintained in the office of the chief.
- C. Copies of any concurrent jurisdictional agreements will be distributed to all police officers. See also **2.412 Concurrent Jurisdiction**.
- D. See also **2.424 Extrajurisdictional Authority Implementation** and **2.426 Extrajurisdictional Authority Operations**.

1.106.04 Arrest Restrictions

- A. CP 2-201, *ET. SEQ.*, contains permissive and restrictive language on the laws of arrest by which all agency officers must abide.
- B. See also **2.600 Arrest Procedures**.

1.106.06 Emergency Protective Services (Transportation of Adults to Medical Facilities)

ET 13-709 contains controlling language that describes when Officers may take adults into custody and transport them to medical facilities.

1.106.08 Emergency Psychiatric Evaluations

- A. HG 10-622 contains controlling language that describes when Officers may take persons into custody and petition for emergency psychiatric evaluations.
- B. See also **2.422 Emergency Psychiatric Evaluations**.

1.106.10 Warrantless Arrests of Fugitives

CP 9-109 AND CP 9-114 contain controlling language that describes when officers may arrest individuals without warrants upon reasonable information that the accused are wanted for crimes punishable by death or imprisonment for more than one year in other states.

1.106.12 Retake Warrants

- A. CS 6-107 contains controlling language that describes when officers may arrest or retake alleged parole violators.
- B. CS 3-214 contains controlling language that describes when officers may arrest escapees on the strength of retake warrants issued by administrators, or their designees, of local or regional detention facilities.

1.106.14 Intrastate Fresh Pursuit Arrests

CP 2-301 AND CR 5-810 contains controlling language that describes when officers may engage in the intrastate fresh pursuit of persons and exercise authority. See also **2.145 Vehicle Pursuits**.

1.106.16 Authority to Maintain Custody

CP 2-106 contains controlling language that describes when Officers may transport defendants to District Court Commissioners beyond the boundaries of the agency's jurisdiction and have the same power to maintain custody of prisoners as if they were within the agency's jurisdiction.

1.106.18 Authority to Issue Traffic Citations

- A. TR 26-201 contains controlling language that describes when officers may charge and issue citations to persons when probable cause exists that persons have committed, or are committing, specified violations.
- B. All officers are provided updated copies of the Maryland Vehicle Law and related statutes through the yearly issuance of "The Maryland Vehicle Law" as provided through the MVA.

1.106.20 Authority to Arrest for Traffic Violations

TR 26-202 contains controlling language that describes the violations of the Maryland Vehicle Law, including any rules or regulations adopted under it, for which persons may be arrested without warrants.

1.106.22 Authority to Disregard Traffic Laws in Certain Situations

TR 21-106 contains controlling language that describes when officers who are driving emergency vehicles may disregard specific traffic related laws.

1.106.24 Criminal & Civil Citations

- A. Maryland Rule 4-201 and CP 4-101, authorize the issuance of citations in lieu of arrest for applicable violations.
- B. See **2.416 Criminal/Civil Citations** for specific directives relat-

ing to enforcement actions and procedures relating to issuing criminal and civil citations.

1.106.26 Juveniles

CJ 3-814 and 3-8A-15 contains controlling language that describes when officers may take juveniles into custody.

1.106.28 Authority to Serve Arrest Warrants

Maryland Rule 4-212 authorizes only peace officers and sheriffs to serve arrest warrants.

1.106.30 Authority to Execute Search Warrants

CP 1-203 and Maryland Rule 4-601 contain controlling language that describes when officers are authorized to serve/execute search warrants.

1.106.32 Authority to Arrest Armed Forces Deserters

The Uniform Code of Military Justice as contained in 10 USC Sec. 808 authorizes civil law enforcement personnel to summarily apprehend deserters from the armed forces and deliver them into the custody of those forces.

1.108 CONSTITUTIONAL PROTECTIONS & RIGHTS

Although the constitutions and statutory laws of the United States and the State of Maryland establish and declare certain protections and rights for suspects and detainees, the courts provide ever evolving guidance, interpretation, and definition of those protections and rights.

1.108.02 Interviews & Interrogations

- A. Officers should advise suspects and detainees of their Miranda rights in all felony and misdemeanor cases wherein suspects or detainees will be questioned.
 - 1. Officers will advise suspects and detainees of their Miranda rights whenever requested to do so by suspects or detainees.
 - 2. All agency officers are issued cards containing Miranda advice of rights and waivers to facilitate advising suspects or detainees of their rights against self incrimination.
 - 3. When time and circumstances permit, officers should inform suspects and detainees of their constitutional rights against self incrimination by executing agency **Explanation of Miranda Rights** forms.
 - 4. Reporting officers should include information in their reports relating to the advisement of suspects or detainees of their Miranda rights.
- B. It is not necessary in all cases for officers to immediately advise suspects or detainees of their Miranda rights.
 - 1. Apprehending officers need not advise suspects of their Miranda rights unless circumstances necessitate immediate interrogation of suspects or when suspects are taken into custody and are to be turned over to investigators for follow-up investigations.
 - 2. Officers who turn suspects over to investigators will, in all cases, advise investigators whether suspects have been advised of their Miranda rights.
 - 3. Investigators receiving suspects for interrogations are responsible for ensuring that Miranda rights are advised.
- C. Juveniles have the same constitutional rights regarding statements and confessions as adults.
 - 1. There are no requirements for officers to affirmatively suggest to juveniles that they need or should have legal representation during interrogation.
 - 2. Officers interrogating juveniles will explain to them the juvenile justice system and the agency's directives relating to juvenile interrogations.
 - 3. The ages of juveniles and the nature of the alleged offenses

are factors that must be considered when determining appropriate length of interrogations.

- a. Most juvenile interrogations will be limited to one hour in length and will be conducted by no more than two officers.
 - b. Additional interrogation hours may be added, with breaks of at least 10 minutes, based on offense severity and the willingness of juveniles under interrogation to continue talking with interrogating officers.
- 4. Interrogating officers may confer with parents or guardians to discuss interrogation processes. These conferences may be held before, during, or after interrogations as considered appropriate by interrogating officers.
- D. It is the State's responsibility to prove in court that suspects or detainees were properly and fully advised of their constitutional Miranda rights, that they understood those rights, and were afforded opportunities to exercise them.
 - E. Suspects and detainees waiving their rights must do so knowingly, intelligently, and voluntarily.

1.108.04 Access to Counsel

- A. Suspects and detainees will be allowed to meet with their attorneys in agency facilities consistent with constitutional, processing, and detainee security requirements.
- B. Attorneys and their suspect or detainee clients will be provided privacy in order to confer.
- C. See also **2.660.30 Attorney-Detainee Contacts**.

1.110 WARRANTLESS SEARCH & SEIZURE

- A. As a general rule, searches must be supported by valid warrants, unless certain exceptions are met. The major exceptions are:
 - 1. Search by consent;
 - 2. Stop and frisk situations;
 - 3. Vehicle searches under movable vehicle exceptions;
 - 4. At crime scenes;
 - 5. Exigent circumstances wherein public safety is endangered;
 - 6. Inventory searches; and
 - 7. Other situations authorized by law or state or federal constitutional provisions.
- B. Officers are encouraged to conduct warrantless searches and seizures in incidents wherein applicable conditions exist. However, whenever necessary and appropriate according to constitutional provisions and laws, officers will apply for search warrants prior to conducting searches in order to legitimize searches and to detect and correct any possible flaws in probable cause and other aspects of cases.

1.110.02 Consent Searches

- A. Officers may conduct searches of persons or property without warrants or probable cause if officers have obtained prior consent of persons who will be affected by searches, or of persons who have the right and authority to act on behalf of persons affected by searches.
- B. Prior to searching persons or property, officers must ask for consent and must reasonably believe that consent was given clearly, voluntarily, and of free will.
- C. Consenting persons must have authority over, or proprietary interest in, premises or property to be searched.
- D. Silence as responses to consent search requests will not considered to be affirmative answers.
- E. Officers will not make any threats or inducements to secure consent searches.
- F. Officers will complete required sections of Search Reports consistent with **1.1005 Search Reports** whenever consent searches are conducted.

- G. Whenever possible and practical, officers should attempt to have persons granting consent searches execute "Consent Search & Seizure Advisory sections of Search Reports consistent with **1.1005 Search Reports**.
- H. Consent searches are considered by the courts to be legitimate, but not the best method for legitimizing searches.

1.110.04 Stop & Frisk

- A. Consistent with *Terry v. Ohio*, 392 U.S., 1 (1968), the court held that when police officers observe unusual conduct which leads them reasonably to conclude in light of their experience that criminal activity may be afoot, officers may:
 - 1. Briefly stop suspicious persons;
 - 2. Make reasonable inquiries aimed at confirming or dispelling their suspicions; and
 - 3. When justified by believing that the individuals whose suspicious activities they are investigating at close range are armed and presently dangerous to officers or others, conduct pat-down searches to determine if the persons are in fact carrying weapons.
- B. Stops and frisks usually involve ongoing criminal conduct, but officers are permitted to stop and, when appropriate, frisk persons suspected of being involved in crimes.
 - 1. The purpose of frisks or limited searches is not to discover evidence of crimes, but to allow officers to pursue their investigations without fear of violence.
 - 2. Stops and frisks are justified if reasonable suspicion is based on specific, objective facts and logical conclusions from which officers' experiences enable them to draw.
 - 3. Officers may use information obtained from sources other than their own personal observations on which to initiate stops and frisks.
 - 4. Frisks are no more than limited searches of the outer clothing in attempt to discover weapons.
 - 5. Motorists or pedestrians may be stopped and frisked when all other limiting criteria are met. If officers reasonably suspect that motorists are dangerous and may be able to gain control of weapons in vehicles, officers may conduct brief searches of vehicles limited to areas where weapons might be placed or hidden.
 - 6. Items that are not reasonably believed to be weapons cannot be removed from persons' clothing during stops and frisks.
 - 7. Stops and frisks should be conducted only in well lighted areas and with other officers present in order to afford maximum protection unless the exigency of circumstances dictate otherwise.
 - 8. See also **2.454 Stop & Frisk**.

1.110.06 "Plain Touch" Doctrine

- A. The Supreme Court in *Minnesota v. Timothy Dickerson*, 113 U.S. 2130 (1993) articulated a "plain touch" exception to the search warrant requirement of the Fourth Amendment whereby officers may lawfully seize any drugs or contraband identified during *Terry* frisks or limited pat-downs of suspects if the articles are plainly felt and identified by officers acting in good faith.
- B. If officers lawfully pat down suspects' outer clothing and feel objects whose contour or mass makes its identity immediately apparent, there has been no invasion of suspects' privacy beyond that already authorized by officers' searches for weapons. If objects felt by officers are contraband, their warrantless seizure would be justified by the same practical considerations that is inherent in the plain view context and will not be suppressed.

1.110.08 Movable Vehicle Exceptions

- A. Consistent with *Michigan v. Long*, 463 U.S. 1032 (1983), officers may make warrantless searches of vehicles which were in motion, or at least mobile when seized, and which the officers have probable cause to believe contains contraband or fruits, instrumentalities, or evidence of crimes.
- B. Vehicles may be searched in their entirety if there is probable cause to believe vehicles contain contraband, fruits, or instrumentalities of crimes even though there is no danger that vehicles or evidence may be lost.
- C. Officers with probable cause to search cars may inspect passengers belongings found in the cars that are capable of concealing the objects of searches.
- D. Officers should apply for search warrants in order to protect against court challenges if they doubt the sufficiency of their probable cause to search vehicles and they are certain custody over vehicles can be retained until warrants are issued.
- E. Warrants will be applied for to search vehicles after they are no longer mobile, or they have been impounded.
- F. Searches of vehicles based on probable cause may extend to any part of vehicles, including closed containers found inside in which objects of searches can be concealed.
- G. If officers' suspicions are focused on particular containers rather than on whole vehicles, officers may seize only those containers and, absent exigent circumstances, must obtain search warrants before searching.

1.110.10 Searches at Crime Scenes

- A. Homes or premises where lawful arrests have been made may be subjected to limited sweeps for other persons if circumstances give arresting officers basis for reasonably believing that there are other persons on the premises who pose danger to those on arrest scenes.
- B. Officers may search and seize property that they have good reason to believe is abandoned.
- C. In accordance with the "open field" doctrine, officers may enter and search unoccupied or undeveloped areas that lie outside the curtilage of dwellings.

1.110.12 Exigent Circumstances & Emergencies

- A. Officers may conduct warrantless searches of anything, whether personal belongings, vehicles, or buildings, anytime it is necessary to save lives or prevent injuries.
- B. Officer may conduct warrantless searches for evidence if they have probable cause to believe that evidence is in the places or things to be searched and they have reason to believe that the evidence will be destroyed before warrants can be obtained.
- C. Officers will apply for search warrants if they do not know if exigent circumstances exist to justify warrantless searches.

1.110.14 Inventory Searches

- A. Consistent with section **2.458.28 Impounding Officer Responsibilities**, officers will inventory each vehicle towed to agency impound facilities.
- B. Closed containers and other property may be opened and inventoried for the sole purpose of conducting inventories, but not for the purpose of looking for evidence.

1.110.16 Strip & Body Cavity Searches

Strip and body cavity searches will be conducted consistent with **2.602.10 Strip Searches** and **2.602.15 Body cavity Searches** respectively.

1.110.18 Other Search Situations

- A. TR 16-205.1 contains controlling language that describes when Officers may order compulsory chemical testing of drivers in-

involved in motor vehicle accidents which result in death or life threatening injuries to other persons.

- B. In accordance with the "Schmerber Doctrine," officers may request the OSA to subpoena defendants' hospital records, especially those relating to blood alcohol content, if drivers had refused to submit to police based alcohol testing, but from whom blood was drawn by medical personnel for medical reasons.

1.112 SEARCH WARRANT APPLICATION AND SERVICE

- A. A Search and Seizure Warrant is a document signed by a District or Circuit Court Judge that authorizes officers to search and seize particular items from a particular place if there is probably cause that:
1. a misdemeanor or felony is being committed by a person or in a building, apartment, premises, place, or thing within the territorial jurisdiction of the judge; or
 2. property subject to seizure under the criminal laws of the State is on the person or in or on the building, apartment, premises, place, or thing.
- B. An application for a search warrant shall be:
1. in writing;
 2. signed, dated, and sworn to by the applicant; and
 3. accompanied by an affidavit that sets forth the basis for probable cause and contains facts within the personal knowledge of the affiant that there is probable cause.
- C. An application for a search warrant may be submitted to a judge:
1. by in-person delivery of the application, the affidavit, and a proposed search warrant;
 2. by secure fax, if a complete and printable image of the application, the affidavit, and a proposed search warrant are submitted; or
 3. by secure electronic mail, if a complete and printable image of the application, the affidavit, and a proposed search warrant are submitted.
- D. The life of a Search and Seizure Warrant is 10 days, with the date that the document is signed being counted as day number one (1). If not served by the end of the 10th day, the document automatically becomes void.
- E. Whenever possible, officers will apply for a Search Warrant or Search and Seizure Warrant, unless a warrantless search is authorized by law or otherwise consistent with **1.110 Warrantless Search & Seizure**.
- F. Before an officer takes an application for a warrant to a judge, the officer will notify a supervisor of the intention to apply for the warrant and ensure the application is reviewed.
- G. All Search Warrant Applications or Search and Seizure Warrant Applications must be reviewed and signed by an officer's supervisor prior to the application being presented to a judge.
- H. In all cases of search warrants related to controlled dangerous substances, the UMDPS officer assigned to the HIDTA Drug Task Force or Criminal Investigations Unit Supervisor, will be consulted. They will review the warrant and de-conflict with other UMDPS units and allied agencies.
- I. The final approval of all search warrants will be the responsibility of the Police Services Bureau Commander (PSBC), Criminal Investigations Unit Commander (CIUC), or designee.

1.112.02 No Knock Search Warrant

- A. If approved in writing by a police supervisor and the State's Attorney, an application for a search warrant may contain a request that the search warrant be a no-knock search warrant on the ground that there is reasonable suspicion to believe that, without the authorization, the life or safety of the executing officer or another person may be endangered.

- B. An application for a no-knock search warrant shall contain:
1. a description of the evidence in support of the application;
 2. an explanation of the investigative activities that have been undertaken and the information that has been gathered to support the request for a no-knock search warrant;
 3. an explanation of why the affiant is unable to detain the suspect or search the premises using other, less invasive methods;
 4. acknowledgement that any police officers who will execute the search warrant have successfully completed the same training in breach and call-out entry procedures as SWAT team members;
 5. A statement as to whether the search warrant can effectively be executed during daylight hours and, if not, what facts or circumstances preclude effective execution in daylight hours; and
 6. A list of any additional occupants of the premises by age and gender, as well as an indication as to whether any individuals with cognitive or physical disabilities or pets reside at the premises, if known.
- C. A no-knock search warrant shall be executed between 8:00 a.m. and 7:00 p.m. absent exigent circumstances.

1.112.04 Search Warrant Service Threat Assessment

- A. The Search Warrant Threat Assessment will be used to determine if entry of any building named in a search warrant will be conducted by a qualified SWAT team or by other means. In order to make the appropriate determination on the level of force for entry the investigating officer must completely list and document all of the appropriate threats present.
- B. Upon receipt of a signed search warrant for any building, the officer obtaining the warrant will complete a Search Warrant Threat Assessment prior to the execution of the search warrant.
- C. The PSBC, CIUC, or designee will approve or disapprove the use of SWAT for the search warrant service.

1.112.06 Search Warrant Service

- A. The execution of a Search or Search and Seizure Warrant will be closely supervised and will be planned for appropriate back-up assistance, such as SWAT teams, other uniformed officers and/or HIDTA Task Force team members.
- B. All officers participating in the service of the warrant will:
1. be clearly recognizable and identifiable as a police officer, wearing a uniform, badge and tag bearing the name and identification number of the police officer and worn in a visible location;
 2. use a body-worn camera during the course of the search in accordance with **2.1600 Body Worn Camera**.
- C. Unless executing a no-knock search warrant, a police officer shall allow a minimum of 20 seconds for the occupants of a residence to respond and open the door before the police officer attempts to enter the residence, absent exigent circumstances.
- D. A police officer may not use a flashbang, stun distraction, or other similar military-style devices when executing a search warrant, absent exigent circumstances.
- E. A copy of the search warrant return will be given to an authorized occupant of the premises or a copy will be left at the premises searched and a copy will be returned to the court in person, by secure fax, or by secure electronic mail.

1.112.08 Collection of Evidence

- A. Any property seized will be accounted for on the inventory and will be labeled and appropriately packaged consistent with accepted packaging techniques consistent with **2.514 Incident Scene Processing**.

- B. All evidence seized will be submitted to the Evidence/ Property Custodian prior to the end of the seizing officer's tour of duty, unless approved by a supervisor.

1.112.10 Search Warrant Return

- A. The CIUC or a PSB supervisor will ensure that the Search Warrant Return is completed and submitted to the issuing Judge within 10 working days of the warrant's execution.

1.112.20 Search Warrant Reporting

- A. UMDPS shall report the following information relating to search warrants executed by the agency during the prior calendar year (by January 15th) to the Governor's Office of Crime Prevention, Youth, and Victim Services:
1. the number of times a no-knock search warrant was executed in the previous year;
 2. the name of the county and municipal corporation and the zip code of the location where each no-knock search warrant was executed;
 3. for each search warrant executed, the number of days from the issuance until the execution of the search warrant, disaggregated by whether the search warrant was a no-knock search warrant;
 4. the legal basis for each no-knock search warrant issued;
 5. the number of times a search warrant was executed under circumstances in which a police officer made forcible entry into the building, apartment, premises, place, or thing searched specified in the warrant;
 6. the number of times a SWAT team was deployed to execute a search warrant;
 7. the number of arrests made, if any, during the execution of a search warrant;
 8. the number of times property was seized during the execution of a search warrant;
 9. the number of times a weapon was discharged by a police officer during the execution of a search warrant; and
 10. the number of times a person or domestic animal was injured or killed during the execution of a search warrant, disaggregated by whether the person or animal was injured or killed by a police officer.
- B. The report shall be submitted to:
1. the Governor's Office of Crime Prevention, Youth, and Victim Services; and
 2. the local governing body of the jurisdiction served by UMDPS that is the subject of the report.
- C. If UMDPS fails to comply with the reporting provisions, MPTSC will contact the agency and request that the report be submitted. If UMDPS fails to comply with the request of MPTSC, within 30 days, the GOCPYVS and MPTSC shall jointly report the non-compliance to the Governor and Legislative Policy Committee of the General Assembly.