

# Policy 302



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*By Order of the Police Commissioner*

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### **POLICY**

The Baltimore Police Department (BPD) is dedicated to upholding the Constitution and enforcing laws in a fair, impartial, and ethical manner. BPD commits to creating and maintaining a culture of service that builds trust and legitimacy in all communities, values the sanctity of human life, and provides for the safety and well-being of all.

All members, sworn and civilian, shall strive to maintain the highest of integrity and ethical standards. Rules and regulations are necessary to achieve this level of integrity and standards. Members shall be cognizant that while in the performance of their duties, they are representatives of BPD, the City of Baltimore, as well as the law enforcement profession. A well-disciplined and efficient police department, which has the confidence and respect of the public, can only be actualized when each member realizes that every action, whether it is a part of one’s official duty or private life, is closely observed by the public and by other BPD members. Acts of misconduct, unprofessional behavior, or poor police tactics not only reflect on the member as an individual, but on the Department as a whole.

## **PURPOSE**

This policy supplements the rest of BPD's policy manual by setting forth rules and regulations not explicitly covered in other policies. Therefore, this policy is not meant to address every possible policy violation. Nevertheless, just as with all BPD policies, every BPD member shall adhere to all rules contained within this policy.

Violations of this policy and other BPD policies, procedures, training, or of any federal state, or local laws are subject to discipline as outlined in Policy 308, *General Disciplinary Process*.

## **RULES AND REGULATIONS**

### **GENERAL**

In order to uphold the most fundamental values of integrity, ethics, discipline and professionalism, all BPD employees shall:

1. Adhere to federal, state, and local laws, BPD policies and procedures, BPD Police Commissioner's Memoranda, BPD trainings, and any applicable collective bargaining agreements and relevant labor laws.
  - 1.1. Any member who is arrested or charged with a criminal offense or a serious traffic violation as described in section 26-202 of the Maryland Transportation Code, or learns that they are the subject of a criminal investigation shall immediately notify their Command and PIB.

NOTE: A misdemeanor or felony conviction, guilty plea, finding of guilty, probation before judgment, or equivalent disposition (e.g., pre-trial diversion or ADR) shall be considered an admission of the violation charged for purposes of administrative investigations.

2. Adopt a general standard of conduct, both on and off-duty, consistent with the professional standards of the law enforcement community. All BPD members, shall be thoroughly familiar with the rules in this policy and all other BPD policies and adhere to their requirements. Although these rules cannot and do not cover every specific act of conduct or specific situation which a member may face, their fundamental aim is to ensure optimum professionalism and safety, and shall be the prevailing guideline for all behavior. Members are required to exercise good judgment and common sense, which are essential to effective police work.

### **COMPLIANCE WITH ALL BPD POLICIES**

3. All BPD members, including sworn and civilian employees, shall abide by all active BPD policies and Police Commissioner's Memoranda (PCMs).

NOTE: At any moment, any BPD member can access every active BPD policy and PCM on PowerDMS by signing into their account on their mobile phone, laptop or desktop computer.

4. If a member has any questions or concerns regarding a policy, they should speak with their supervisor or email [policy@baltimorepolice.org](mailto:policy@baltimorepolice.org).
5. In addition to the requirement to comply with all of BPD's policies and PCMs, members are

required to follow the specific below-listed rules and regulations.

## CONDUCT

6. Any breach of the peace, neglect of duty, misconduct or any conduct or omission on the part of any member of the Department, either within or outside the City of Baltimore, and whether on or off duty, which tends to undermine the good order, efficiency or discipline of the Department, or which reflects discredit upon the Department or any member thereof, or which is prejudicial to the efficiency and discipline of the Department, even though these offenses may not be specifically enumerated or laid down, shall be considered conduct unbecoming a member of the BPD, and subject to disciplinary action by the Police Commissioner, unless such conduct is protected by the Constitution of the United States, the Maryland Declaration of Rights, or any other federal, state or local law.
7. Members shall be professional, civil and orderly at all times, to all members of the public and to all BPD members.
8. Members shall meet the public with courtesy and consideration. Members shall use appropriate language and expressions while communicating with the public. Members shall refrain from coarse, profane, or insolent language.
9. Sworn members shall carry their badge of authority at all times while on-duty and shall furnish their name and badge number to any person, upon request.
10. Members shall not make, orally or in writing, any false statement, or misrepresentation of any material fact, or make any material omission of fact, including but not limited to statements or omissions made with the intent to mislead any person or tribunal.
11. Members shall be prohibited from associations with certain individuals and establishments.
  - 11.1. Members shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another law enforcement or criminal justice agency or persons whom they know, should know, or have reason to believe are involved in criminal activity, except as necessary for the performance of official duties or where unavoidable or impractical because of familial or marital relationships. In such cases where regular household, physical, or telephone contact is unavoidable, the member shall inform their supervisor of the relationship.
  - 11.2. Except in the performance of official duties, members shall not use information obtained through Departmental information or contacts to contact confidential informants, victims, complainants, or witnesses.
  - 11.3. Members shall not knowingly engage in social or romantic relationships with confidential informants, victims, complainants, or witnesses.
  - 11.4. Except in the performance of official duties, members shall not knowingly enter any establishment in which the law is knowingly violated.
12. Members shall not participate or interfere in investigations involving family members or persons

with whom they have a close personal or business relationship.

13. Members shall fulfill their personal financial obligations.
14. Members shall not attempt to inappropriately influence the Police Commissioner for the purpose of securing promotion or transfer, or to avoid the penalties for reprehensible action or conduct.
15. Members shall not commit insubordination, which is the refusal to comply or failure to obey with any lawful command or order, either verbal or written, of any superior or other member designated to command.
16. Members shall not threaten or assault any other member. Members who aid, abet, or incite any altercation between members shall be held responsible for any such actions.
17. Members shall be held strictly responsible for the proper performance of their duties.
  - 17.1. Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.
  - 17.2. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member's rank, grade and/or position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; absence without leave; or unnecessary absence from the assigned patrol during a tour of duty.
18. Members shall not frequent BPD facilities, except as duty requires, upon order, or upon approval of the District Shift Commander or the ranking member of the BPD facility.
19. Members shall be punctual and attend all calls, requirements of duty, medical/psychological appointments, court appointments, and other circumstances where a time is specified.
20. Members shall attend and complete required training.
21. Members are sworn in as peace officers of Baltimore City and, as such, are considered to be on-duty or ready for duty at all times. Failure to stop and perform the necessary police duties while off-duty or on leave, and when it is safe to do so, shall be considered neglect of duty, unless a verified excuse is accepted by a supervisor.
  - 21.1. Necessary police duties while off-duty may include, but are not necessarily limited to:
    - 21.1.1. Immediately notifying the responsible law enforcement agency,
    - 21.1.2. Causing such notification, or
    - 21.1.3. Taking direct police action.

- 21.2. Off-duty members, both inside and outside of the City limits, are to first consider whether the appropriate action can be effected by the on-duty members of the responsible law enforcement agency.
- 21.2.1. Members should become directly involved only after due consideration of the gravity of the situation, their present physical and mental ability to act in an on-duty capacity and of their possible liability, along with that of the Department and the City of Baltimore.
- 21.2.2. Members have no powers of arrest outside the City of Baltimore or properties owned by the City of Baltimore, other than those of common citizens.
- 21.2.3. Whenever members assume their official role and take direct police action, they are governed by all policies, rules and regulations applicable to on-duty members.
- 21.3. The BPD acknowledges that circumstances and events may exist when it is in the best interest of the member, Department, and community, for sworn members to refrain from personally taking official police action while off-duty.
- 21.3.1. Consistent with this, the BPD cautions off-duty sworn members to use discretion when invoking police powers, particularly involving the use of a firearm. This in no way, however, relieves sworn members from their obligation to notify appropriate on-duty authorities and provide assistance when necessary.
22. Members in uniform on patrol duty, or at any public gathering, shall not smoke tobacco products, chew tobacco, or vape. Smoking, chewing tobacco, or vaping is permitted at other times when done in an authorized location.
23. Members, while on-duty or when off-duty in uniform, shall not enter bars, taverns, or liquor establishments, except in the proper performance of their duties.
24. Members shall not abuse alcohol or prescription drugs; use illegal drugs; or use long-term legal medications that impair a member's ability to safely and satisfactorily perform their law enforcement duties, in violation of Policy 1713, *Medical Policy*.
25. Members are prohibited from drinking alcohol while on-duty, or while off-duty in uniform. Only in cases requiring such action to carry out a duty assignment shall authority be granted to violate this rule. This authority shall be given to the officer by that officer's immediate superior.
- 25.1. Members, while off-duty, shall refrain from consuming intoxicating beverages to the extent that it results in obnoxious or offensive behavior which would discredit them or the BPD, or to such extent that at the time of the member's next regular tour of duty they are impaired or intoxicated and thereby unfit for duty.
26. Members shall not bring any alcoholic beverage into any BPD building, boat, or vehicle, nor shall they permit same to be brought therein, except as required in the performance of police duty.
27. Members are strictly prohibited from playing cards, dice or engaging in any gambling or wagering

activities on BPD property, in a BPD vehicle, while in BPD uniform or while on-duty, except as required in the performance of police duty.

28. Members are also strictly prohibited from using BPD smart phones, laptops and other electronic devices for gambling or wagering purposes, whether on or off-duty.
29. Members shall not solicit, offer, or accept any bribe. Members shall not accept any compensation, reward, gift, or other consideration in excess of \$20 without special written permission of the Police Commissioner.
30. Members shall not circulate, distribute, sell, or solicit the sale of tickets, handbills, posters, literature, or any other matter, or permit their names to be used by any person or organization for the purpose of selling tickets or promoting any contest, gift, or enterprise, without special written permission of the Police Commissioner.
31. Members, in their private business transactions with persons residing or doing business on their posts or elsewhere, shall not place themselves in a position which would interfere with the proper discharge of their police duties.
32. Uniformed members, when encountering the Police Commissioner and other superior officers, except those assigned to plainclothes or detective duty, and superior officers in uniform when encountering each other, shall salute in the prescribed manner. All uniformed members shall also salute the Governor of Maryland and Mayor of Baltimore in the prescribed manner.
33. Members shall be awake, alert, and active at all times while on duty.
34. Members shall not, without proper authority, release any prisoner in their charge or through neglect or design, allow any prisoners in their charge to escape.

#### **FIREARMS**

35. Members of the Department who are authorized by law to carry firearms shall exercise the utmost care and caution in the preservation and use of such weapons.

#### **LEAVE, SICKNESS, AND INJURY**

36. Members shall, except when on authorized or medical leave, perform their prescribed tour of duty.
37. Members on any authorized leave are subject to reasonable recall in the event of an emergency. Members who are unable to report for duty for any reason shall promptly notify their Commanding Officer, stating the reason for such failure to report. Members shall personally provide that notification unless their medical condition makes it impossible to do so. Members shall provide notification of their absence as soon as they anticipate the absence and no later than the start of a member's scheduled shift.
38. Members shall not feign illness.

**REPORTS AND COMMUNICATIONS**

39. In the transaction of departmental business, all reports and communications shall be prepared and handled in accordance with the procedures of the Department.
40. No member of the Department shall sign any petition as a member, except on authority of the Police Commissioner.
41. Members of the Department shall provide their actual residential address (no P.O. Box), personal telephone number, and marital status in their personal profile record in the Department's HR/Payroll system. If there is a change in residential address, personal telephone number, or marital status, then the member shall update their personal profile record within 24 hours.
42. Reports, as may be required to properly administer the affairs of the Department, or to furnish information, shall be submitted in accordance with departmental procedure.

**DEPARTMENTAL RECORDS**

43. All members of the Department whose duties require them to maintain departmental records shall do so in accordance with provisions of the law and the established procedures of the Department.
44. No member or other person or persons shall have access to, copy, excerpt or make a transcript from departmental records (whether printed or stored in electronic format), except where permitted by departmental procedure, or unless so directed by the Police Commissioner.
45. No member shall remove, alter or destroy any official book, document, file or electronic record or document belonging to the Department without written authority of the Police Commissioner or under due process of law.
46. No member shall access, or cause to be accessed, any criminal history records or files except in the performance of their official duties.
47. No member shall disseminate or otherwise release, or cause to be disseminated or released, to any person or entity, any criminal history information or criminal records to any person or entity except in the performance of their official duties and as provided by law.

**MISCELLANEOUS**

48. Members shall not associate themselves into a team, club, or organization within the Police Department, unless such association has the approval of the Police Commissioner.
49. Members are prohibited from affiliating with any organization, group or body, that engages in or promotes violence or unlawful activity, or that may impede BPD members from performing their duties as members of the Department.
50. Members are required to notify in writing and via official channels, the Director of Human Resources when joining, re-enlisting in, or transferring to a new branch of any federal or state military organization.



- 50.1. The notification shall include the following information:
- 50.1.1. Branch of military service;
  - 50.1.2. Effective date;
  - 50.1.3. Unit's name;
  - 50.1.4. Unit's location;
  - 50.1.5. Military rank; and,
  - 50.1.6. End of enlistment date.
51. Any member who is subpoenaed or summonsed to appear in any proceeding by any entity other than a prosecuting authority, shall notify their Command or the Legal Affairs Section. See Policy 1811, *Court/Administrative Hearing Procedures* for further guidelines on court appearances.
52. Members shall not, directly or indirectly, refer, recommend or suggest the name of any person, firm, or corporation to any individual assisted or encountered by the member during the course of their law enforcement duties, except that members may refer individuals in need and victims to nonprofit social welfare programs, as appropriate.
- 52.1. This prohibition includes, but is not limited to, any referral of attorneys, bondsmen, tow truck operators, and health care providers.
  - 52.2. Members shall not be directly or indirectly involved with making any arrangements, agreements, settlements or compromises between (i) a person who is being questioned, investigated or charged with a criminal offense and (ii) the victim/complainant and/or any other party/person thereto.
53. All BPD members, including sworn and civilian employees, shall not use the prestige of their position for their own private gain or that of another.
- 53.1. Unless given expressed approval from the Police Commissioner's office, this prohibition includes, but is not limited to, members providing a reference letter for a BPD contractor/vendor, unless providing a reference letter is otherwise authorized or required as part of their official duties, using their BPD employment for the purposes of promotion, advertising, or fundraising for a non-BPD third party, and engaging in any kind of secondary employment relationship that would impair the member's impartiality and independent judgement as a BPD employee.
- NOTE:** Requests for approval for items listed in 53.1 can be made to the Police Commissioner's Chief of Staff via email with the subject line, "Requesting Approval from PC's Office, <Requestor's Name>, <Requestor's Sequence #>".
54. All BPD members shall comply with Sec. 9-902, Md. Labor & Employ. Code Ann. No member of the Department shall file a claim, bring suit, or accept settlement for the recovery of damages sustained from any injury or loss in or out of duty without prior written notification, through official



channels, to the Police Commissioner.

55. Members shall not accept a witness fee or reimbursement for expenses incurred in connection with their official duties without reporting it, through official channels, to the Police Commissioner, and obtaining the Police Commissioner's authorization.

#### **INTERNAL INVESTIGATION AND REPORTING OF MISCONDUCT**

56. Members are required to provide full and honest cooperation with PIB, EODS, the Compliance Bureau or any other person or entity conducting any authorized investigation within the Department.
57. Members are required to adhere to all rules, regulations, directives, procedures, policies, guidelines, orders, or any other form of directive regarding internal investigations.
58. Members are required to report any acts of misconduct by a member including, but not limited to, discrimination, harassment, criminal conduct, misuse of or excessive force, corruption or misappropriation of property, dishonesty, or any other misconduct or activity detrimental to the operation of the Department, by reporting it through their chain of command, to PIB directly, or by entering it into BlueTeam.
59. No member shall be dishonest with, interfere with, obstruct or hinder, nor collude with or advise any other person to be dishonest with, interfere with, obstruct or hinder, in any manner, any PIB investigation, integrity test, EODS investigation or any other form of internal investigation, including by intentionally withholding evidence or information from an investigator.
60. Members shall not review any investigative files, reports (other than those authored by the member), or other evidence, including body camera footage or other photographic evidence, that they know or have reason to know are related to an incident that is the subject of a PIB, EODS, or other internal investigation in which they are a witness or principal, unless explicitly authorized by PIB to do so.

#### **RESCISSION**

Rescind Policy 302, *Rules and Regulations*, dated 26 August 2017.

#### **COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.