

## 1.432 RESOURCE CARE & MAINTENANCE

(26.1.1)

### 1.432.02 Resources, General Provisions

(1.3.9, 17.5.2, 17.5.3, 46.1.6)

- A. Employees are provided certain resources to facilitate the performance of their jobs. These resources include, but are not limited to:
1. All equipment and supplies issued to employees;
  2. Vehicles and the equipment or property contained on or within vehicles;
  3. Facilities, including office space and equipment or property contained therein;
  4. Computing and information technology hardware, software, and services; and
  5. All other property or equipment that comes into possession of agency employees as result of duty related custodial arrangements.
- B. Employees:
1. Are responsible for:
    - a. Properly caring for all resources that are issued to them or used during the course of their duties;
    - b. Using resources effectively, ethically, and lawfully;
    - c. Maintaining resources in good working condition, serviceable, as clean as reasonably possible, and without displaying excessive wear;
  2. Will not use resources carelessly, negligently, or in any other way that results in damage to, or improper alteration of resources through other than normal wear and tear;
  3. Will not use resources for personal gain;
  4. Will not loan resources to anyone or entity outside the agency unless emergency circumstances exist or under the direction of a commander;
  5. Who are responsible for maintaining stored agency resources will:
    - a. Maintain the items in a state of operational readiness; and
    - b. Conduct documented operational readiness inspections consistent with **1.428 Staff & Line Inspections** and OTHER CONTROLLING DIRECTIVES; and
    - c. Except for supplies used in the normal course of business, will not dispose of resources without permission of the commander responsible for the property or equipment, subject to the university's material management directives and approval of the Chief or specific designee.

### 1.432.04 Administrative Searches

- A. Nothing in this directive removes or diminishes any protections guaranteed to all persons under the Fourth Amendment or as further described by statute and case law similar to *O'Connor v. Ortega*, 480 U.S. 709 (1987).
- B. The agency reserves the right to administratively inspect and search without notice any agency or university related physical or electronic resources and any and all items or information therein.
- C. The agency may require employees while on the job or in agency facilities to agree to reasonable administrative inspections of their personal property and/or persons.
- D. Employees who are given keys to lock their desks, file cabinets, or other work spaces will ensure that their respective commanders maintain duplicate keys to access these resources.
- E. Employees may not change the locks for any of the agency's physical resources without the explicit permission of their respective commanders and in compliance with related university procedures.
- F. Employees have permission to use their own locks to secure their issued lockers.
- G. Employees may, after obtaining their commanders' permission through their respective chains of command, to bring in and use personally owned, securable containers such as file cabinets or drawers to store work related supplies, equipment, files, etc. Keys copies must be provided to the Key Coordinator.

#### 1.432.06 Reimbursement for Certain Losses

- A. The agency may reimburse employees to clean, repair, or replace certain personal property that is damaged, destroyed, or lost when directly related to employees' duties.
- B. Reimbursement will not be made:
  - 1. For items covered by employees' private insurance; or
  - 2. If the loss, damage, etc. occurred because of employees' negligence or intentionally damaging acts.
- C. To be eligible for reimbursement, employees must:
  - 1. Clearly document how the loss, damage, etc. was directly related to their duties;
  - 2. Complete TU Miscellaneous Expense vouchers for submission through their chain of command to the commander responsible for fiscal services;
  - 3. Reasonably verify the value of the items and justify the relationship between the items and specific duties being performed and that the items were approved or authorized for use; and
  - 4. Submit required documentation within five business days of the incidents that caused the loss/damage. Employees' commanders may waive the time requirement for exigent circumstances such as employees not being physically capable of completing the required documentation.
- D. Employees may elect to file reimbursement claims through the Maryland State Treasurer under provisions of the Maryland Tort Claims Act. The Department of Environmental Health and Safety serves as the liaison to the Maryland State Treasurer's Office.

#### 1.432.08 Administrative Reporting

- A. The processes in this section apply to all cases of loss, theft, or damage to resources, except departmental traffic accidents that fall within the scope of **2.230 Departmental Accidents**. This section:
  - 1. Applies to minor vehicle damage cases that are not otherwise covered in **2.230 Departmental Accidents**.
  - 2. Does not apply when resources malfunction, become unserviceable, etc. because of normal wear and tear. **1.433 Service Request System** will be used in those cases. However, supervisors and commanders to whom service requests are submitted will ensure the Loss/Damage Report and Review process is started when they reasonably believe that the resource malfunctioned became unserviceable, etc. for reasons other than normal wear and tear.
- B. Incidents where resources are lost, damaged, etc., will be promptly brought to the attention of supervisors by employees who first become aware of such loss, damage, etc. These supervisors will ensure:
  - 1. CAD numbers are initiated for "Dept. Loss / Damage;"
  - 2. Initial inquiries are conducted;
  - 3. The Administrative Review process is initiated; and
  - 4. An on-duty commander or the Duty Officer is promptly notified if:
    - a. Weapons (i.e., firearms, impact, and OC) are lost, stolen, damaged, or malfunction consistent with **2.830 Firearm Care & Maintenance**;
    - b. Other losses or thefts occur to critical resources such as badges, ID cards, portable radios, master keys, computers, etc.;
  - 5. The employees' commander is notified during the current business day or, if incidents are reported during non-business hours, the next business day if:
    - a. Incidents **do not** involve weapons or other critical resources such as badges, ID cards, portable radios, master keys, computers, etc.;
    - b. Preliminary information reasonably concludes the loss/damage occurred as the result of negligent or intentional acts;
    - c. Other losses or thefts occur to agency equipment and supplies such as:
      - (1) Uniform items such as hats, shirts, pants, leather equipment; or

- (2) Resources such as state citations, SEROs, DR-15As, and criminal, civil, juvenile and parking citations.
- C. The Administrative Review process documents:
1. The facts and circumstances surrounding the loss / damage; and
  2. Any steps that were taken to locate or recover lost or stolen items.
- D. **Loss / Damage Reports (UPO.079e.D)** will be written by, in order of preference and according to who discovered the loss / damage first:
1. Employees to whom the resource is entrusted if they discover the losses or damages;
  2. Employees who discover losses or damages if the employees to whom the resources are assigned are not immediately available;
  3. Employees who discover losses or damages if the resource is assigned to the agency in general, such as patrol portable radios, vehicles, fixtures, furnishings, and facilities; or
  4. By supervisors:
    - a. Initially notified of the loss or damage if employees responsible for the resources are incapable of completing the reports;
    - b. When employees are off-duty or at off-site duty assignments and cannot reasonably return to campus until another duty day. In these cases, the employees will complete follow-up statements using **Confidential Investigative Notes (UPO.034e.D)** during their next duty day on-campus and submit them to the reviewing supervisor as directed.
- E. Employees completing Loss/Damage Reports will submit those reports to on-duty supervisors prior to going off-duty during the duty hours wherein the loss or damage was discovered.

#### 1.432.10 Administrative Reviews

- A. The commander responsible for the inspections function is responsible for:
1. Coordinating administrative reviews of incidents involving loss or damage to resources;
  2. Working with reviewing officers to ensure loss/damage reviews are conducted thoroughly, accurately, completely, and on a timely basis.
- B. The **Loss/Damage Review (UPO.080e.D)** process is established in order to:
1. Corroborate facts and circumstances surrounding the loss/damage of resources;
  2. Describe any further steps that were taken to locate or recover lost or stolen resources;
  3. Determine if the loss/damage occurred while employees were acting consistently or inconsistently with any controlling directives; and
  4. Make case disposition recommendations.
- C. Supervisors assigned to conduct Loss / Damage Reviews will complete the first section of Loss/Damage Reviews with a synopsis of the loss/damage incidents and, based on the information available and the totality of the circumstances, make recommendations as to whether or not the loss/damage occurred while employees were acting consistently or inconsistently with any controlling directives. Reviews must be forwarded to involved employees' commanders within 24 hours.
- D. Commanders will:
1. Review Loss/Damage Reports and the findings and determinations made by supervisors or lead investigators;
  2. Complete the second section with their comments and determinations; and
  3. Submit them to the commander responsible for the inspections function within 24 hours.
- E. The commander responsible for the inspections function, in consultation with respondent employees' commanders will finalize investigative findings by considering the totality of circumstances. Investigative findings will be:
1. **Non-Chargeable:** Loss or damage resulted from normal wear and tear, malfunctions, accidents, or circumstances beyond the reasonable and prudent control of the employee.
  2. **Chargeable:** Loss or damage resulted from:
    - a. Failure to obey agency or other controlling directives;

- b. Failure to use reasonable, prudent, or due care;
  - c. Indifferent or careless actions; or
  - d. Deliberate, willful, malicious, etc. actions.
- F. Incidents involving non-chargeable conduct will be closed.
- G. Incidents involving chargeable conduct will be handled consistent with **1.720 Punitive Discipline**.

#### **1.432.12 Police Reports Required**

- A. Police reports must be filed when certain items are lost or stolen. These items are:
- 1. Departmental bicycles or motor vehicles;
  - 2. Uniform parts: Badge, hat, shirt, pants, gun belt, coat, sweater, traffic vest, etc.
  - 3. Weapons: Firearms, OC, impact weapons;
  - 4. Miscellaneous supplies: Portable radios, computers, state citations, SEROs, etc. that are numbered and identifiable; and
  - 5. Personal property or equipment that is used extensively or exclusively in employees' day-to-day duties and responsibilities such as briefcases, field notes, etc.
- B. Police reports must be completed by:
- 1. Officers to whom the resource is entrusted if they discover the loss/theft while on-duty;
  - 2. On-duty officers if the loss/theft occurred:
    - a. To non-sworn employees; or
    - b. When employees are off-duty or at off-site duty assignments and cannot reasonably return to campus until another duty day. In these cases, the employees will complete written statements during their next duty day on-campus and submit them to the reviewing supervisors as directed;
  - 3. On-duty officers if the resource is assigned to the agency in general, such as patrol portable radios, vehicles, fixtures, furnishings, and facilities);
  - 4. By supervisors initially notified of the loss or damage if employees responsible for the resources are incapable of completing the reports; or
  - 5. By investigators as specifically assigned by commanders or the Chief.
- C. Police reports will be filed with allied agencies of primary jurisdiction if losses/thefts occurred outside this agency's primary or concurrent jurisdiction. The affected employees are responsible for ensuring case numbers of related reports are provided to reviewing officers. Reviewing officers are responsible for obtaining copies of the related reports.
- D. Investigating officers will ensure that:
- 1. Communications personnel promptly make any applicable NCIC entries and send teletypes;
  - 2. Administrative lost/stolen property messages are sent to:
    - a. Selected or all Baltimore metropolitan area agencies as appropriate if items were lost/stolen locally;
    - b. Primary police agencies in the areas where the property was lost/stolen if the incidents did not occur locally;
  - 3. Homeland Security Notifications are made in instances of:
    - a. Weapons being lost or stolen; or
    - b. Losses or thefts to critical agency equipment and supplies such as badges, ID cards, uniform items, portable radios, master keys, computers, etc.;
  - 4. Their reviews verify that appropriate reports have been completed by this or applicable allied agencies and that appropriate NCIC entries have been made by agencies that took initial police reports.
- E. Administrative reviews into incidents of lost/stolen resources as described in this section will also be conducted consistent with **1.432.10**. These administrative reviews must be coordinated through the commander responsible for the inspections function to ensure they do not interfere with any associated criminal or internal investigations.