



INDEPENDENT INVESTIGATIONS DIVISION

Interim Report Concerning the Officer-Involved Fatal
Incident in Prince George's County on August 13, 2023

September 26, 2023

**Interim Report of the Independent Investigations Division of the
Maryland Office of the Attorney General Concerning the
Officer-Involved Crash on August 13, 2023, that led to the death of
Rogelio Sanchez Gomez**

Pursuant to Md. Code, State Gov't § 6-602, the Office of the Attorney General's Independent Investigations Division (the "IID") provides this report to Prince George's County State's Attorney Aisha Braveboy regarding the officer-involved crash on August 13, 2023, that led to the death of Rogelio Sanchez Gomez, in Prince George's County, Maryland.

The IID is charged with "investigat[ing] all police-involved incidents that result in the death of a civilian or injuries that are likely to result in the death of a civilian" and "[w]ithin 15 days after completing an investigation ... transmit[ing] a report containing detailed investigative findings to the State's Attorney of the county that has jurisdiction to prosecute the matter." Md. Code, State Gov't § 6-602(c)(1), (e)(1). Due to the delay in receiving an autopsy report from the District of Columbia Office of the Chief Medical Examiner¹ (the "OCME") and the resulting delay in receiving a final crash report from the Maryland State Police ("MSP") Crash team, in contrast to the finality of all other aspects of this investigation, the IID and the State's Attorney agreed that an interim report would be useful. This interim report is being provided to State's Attorney Braveboy on September 26, 2023. The IID will supplement this interim report when it receives the autopsy report from the OCME and the final crash report from MSP.

I. Introduction

On August 13, 2023, at approximately 1:40 p.m., Prince George's County Public Safety Communications received a call reporting a black BMW car following the 911 caller and "firing shots." Several minutes later, Officer Stephen Huddleston with the Morningside Police Department spotted a black BMW traveling along Suitland Road, near the location provided by the 911 caller. The BMW approached the intersection of Suitland Road and Allentown Road when the driver, later identified as Dashawn Redding, lost control and struck a car in a northbound turning lane on Allentown Road. Mr. Redding fled from the car on foot, before being apprehended by Morningside Police. A loaded handgun was recovered from the BMW at the scene. An adult male driver and two juveniles were inside the silver Ford Taurus that had been struck by the BMW. The adult man, later identified as Rogelio Sanchez Gomez, was taken to an area hospital with life-threatening injuries, and died two days later. The two juvenile passengers in the Taurus suffered minor injuries and were taken to the hospital where they were treated and released.

This interim report includes an analysis of Maryland criminal offenses that could be relevant in a fatal vehicle crash of this nature. The IID considered the elements of each possible criminal charge, relevant departmental policies, and Maryland case law to assess whether any charge could be supported by the facts of this incident. Because the Prince George's County State's Attorney's Office—not the Office of the Attorney General—retains prosecution authority

¹ Mr. Sanchez Gomez was taken to a hospital in Washington D.C. after the accident, because he died in Washington D.C.—not Maryland—his autopsy was performed by the District of Columbia's Medical Examiner.

in this case, this report does not make recommendations as to whether any officer should or should not be charged.²

By statute, the IID has jurisdiction to investigate the actions only of police officers, not of any other individuals involved in the crash. Md. Code, State Gov't § 6-602. Therefore, the IID's investigation did not specifically examine the actions of Mr. Redding in this incident.

The IID's investigation focused exclusively on potential criminal culpability relating to the subject officer's conduct. The IID's analysis does not consider issues of civil liability or the department's administrative review of officers' conduct. Certain information—specifically, compelled statements by subject officers—may be considered in civil or administrative processes but may not be considered in criminal investigations or prosecutions due to the subject officers' Fifth Amendment rights. If any compelled statements exist in this case, they have not been considered in the IID's investigation.

II. Factual Findings

The following findings are based on a review of body-camera footage, surveillance video footage, vehicle speed data, witness interviews, police reports and recordings, medical records, and personnel records for the involved officer, among other items. All materials reviewed in this investigation are being provided to the Prince George's County State's Attorney's Office with this report and are listed in Appendix A.

The events described below occurred during the daylight hours, with clear and dry conditions.

A. Initial Shooting Incident³

On August 13 just before 1:42 p.m., Dashawn Redding got into a verbal altercation with his girlfriend, [REDACTED] at their residence in the 3800 block of Saint Barnabas Road, Suitland, Maryland. As a result of the argument, [REDACTED] called her cousin and brother to come to the apartment. Once there, they also got into a verbal altercation with Mr. Redding, which ultimately led to him pulling out a firearm and firing a bullet in their direction. As a result, [REDACTED] cousin and brother got back into their vehicle, a grey Honda Accord, and left the area. Mr. Redding got into his black BMW sedan and began to chase after them.

² Effective October 1, 2023, the IID will have the sole authority, where appropriate, to prosecute police-involved incidents that result in the death of an individual or injuries that are likely to result in the death of an individual. For incidents occurring before that date, the local State's Attorney retains sole prosecution authority.

³ The information on the shooting incident was obtained from the 911 call and witness interviews conducted after the crash. These details were not known to the officers at the time of the pursuit but are included here for context.

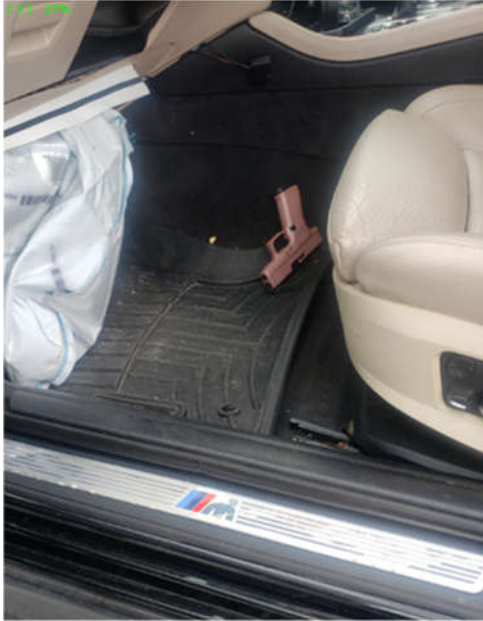


Image 1. Photograph of the gun recovered from the floorboard of the BMW after the crash.

The two men later told investigators that Mr. Redding fired another bullet at them as they were fleeing. As a result, [REDACTED] cousin called 911 at 1:42 p.m. to report the shooting and Mr. Redding chasing them in his car. [REDACTED] cousin told the dispatcher, “We came up to check on my cousin and her kids and this guy came out of nowhere and pulled a gun out, her boyfriend pulled a gun out and started to shoot at the car.” He stayed on the phone with the dispatcher and continued to update the police on their location. At times during the call, he was yelling and unintelligible when attempting to relay their direction of travel and the actions of the BMW following them. He ultimately provided the dispatcher with the license plate number for the BMW. Dispatchers subsequently relayed that information to all police officers in the area.

Eventually, [REDACTED] cousin told the dispatcher that they got off the highway in Morningside “near Andrews Air Force Base,” and the BMW stayed on Suitland Parkway heading towards the Interstate 495 overpass. Dispatchers continued to update officers of the BMW’s location.

B. The Pursuit

Based on a review of the evidence in this case, the entire pursuit lasted less than one minute. Suitland Road is a major thoroughfare that has four eastbound lanes. Allentown Road is also a major thoroughfare that has three southbound lanes and five northbound lanes divided by a concrete median. The posted speed limit is 35 miles per hour.

Morningside Police officers are equipped with body-worn cameras, and Officer Stephen Huddleston’s camera was active during the pursuit. As a result of the camera placement on his chest, Officer Huddleston’s body-worn camera did not capture any of the pursuit or the crash. The camera did, however, capture Officer Huddleston’s apprehension of Mr. Redding and any audio, after a one-minute buffer delay. Officer Huddleston’s Morningside Police Department vehicle was not equipped with a functioning in-car video.

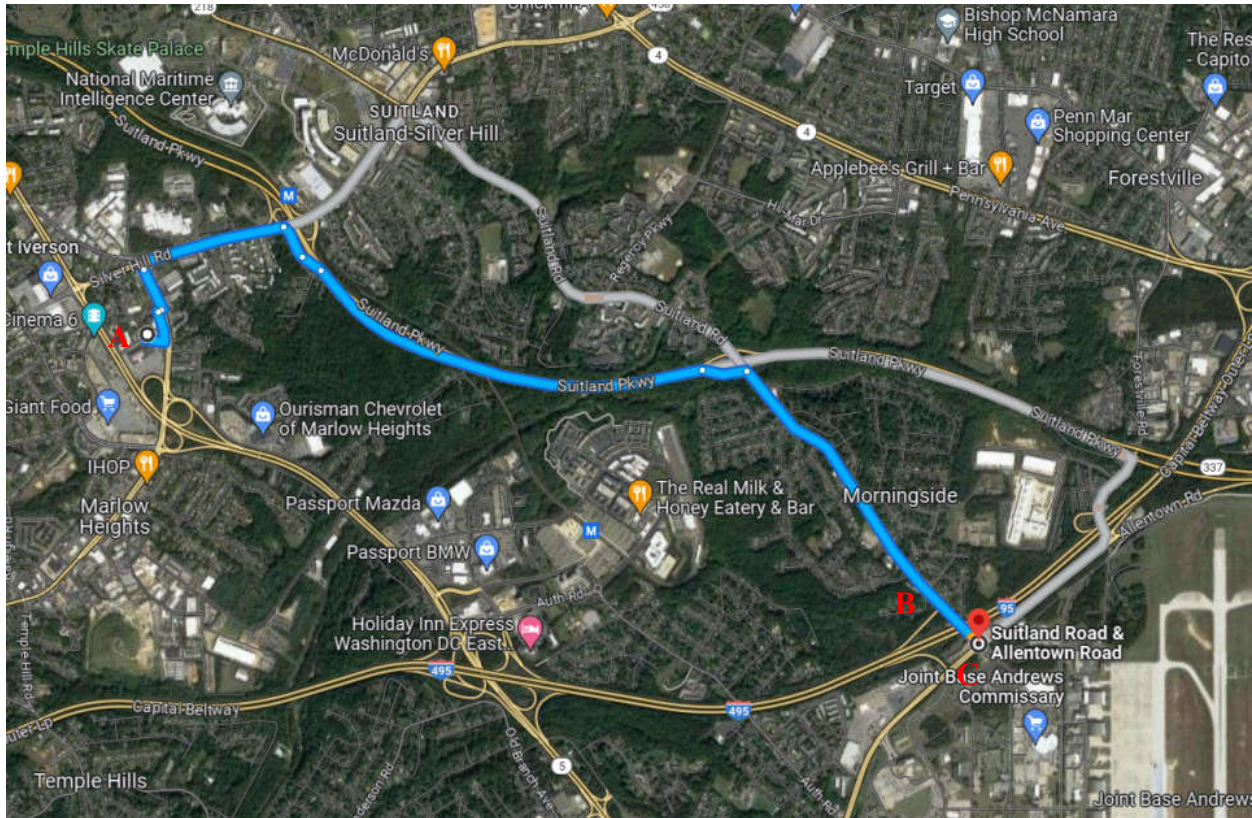


Image 2. Map showing the location of the shooting (A), Mr. Redding's path of travel (blue line), the location where he first encountered Officer Huddleston and the area of the VFW (B), the scene of the crash (red dot), and the location where Mr. Redding was arrested (C).

At 1:46 p.m., Morningside Police Officer Stephen Huddleston was seen on body camera footage monitoring the unfolding shooting situation via his mobile data terminal in his cruiser and sitting in the VFW parking lot on Suitland Road. The dispatcher was



Image 3. Still photograph from surveillance video of the BMW (red circle) entering the intersection of Allentown Road and Suitland Road before the crash. The gray Taurus is partially in view on the right side of the frame.

relaying the information they were receiving to the officers in the area, including the nature of the 911 call, the path of travel of the vehicles, the make and model of the vehicles, and ultimately the license plate information for the BMW. Officer Huddleston later told other officers that he

saw the BMW driving southbound on Suitland Road, traveling with the speed of the other traffic. When he left the VFW parking lot, he initially turned north on Suitland Road, before making a U-turn and heading south. Officer Huddleston also told other officers after the crash that when he left the parking lot the BMW began traveling south at a high rate of speed. When Officer Huddleston made the U-turn, he activated his lights and began pursuing the BMW. Officer Huddleston later told other officers that he lost sight of the BMW after making the U-turn. Surveillance video from a nearby hotel shows the BMW made a right turn onto Allentown Road at a high rate of speed. The BMW subsequently lost control, crossed three lanes on southbound Allentown Road, and struck a median. The vehicle then went airborne and landed on top of a



Image 4. Still photograph from surveillance video capturing the moment the BMW (red circle) struck the Taurus (green circle) and went airborne.

grey Taurus that was occupied by Mr. Sanchez Gomez and two minors. Surveillance video from a nearby motel showed that Officer Huddleston entered the intersection of the crash approximately six seconds after the collision and approximately 40 seconds after activating his emergency lights.



Image 5. Still photograph from surveillance video showing moments after the impact. Officer Huddleston's cruiser (yellow circle) can be seen entering the intersection. The BMW slid to the back of the Taurus (green circle), out of the video frame.



Image 6. Photograph of the crash after all occupants had been removed from the vehicles.

C. After the Crash

After Mr. Redding crashed into the Taurus, he fled from the scene on foot towards Joint Base Andrews. As mentioned above, Officer Huddleston arrived at the intersection approximately six seconds after the crash, and his cruiser can be seen on nearby surveillance video slowing down in the intersection before driving towards the entrance to Andrews. Officer Huddleston later told officers that he saw Mr. Redding running from the scene onto Joint Base Andrews. At 1:46 p.m., Officer Huddleston called out over the radio that he had “one running. [Black] male, black hoodie, tan pants.” The motel surveillance video and statements from civilians in the area indicated that Mr. Redding exited the BMW and ran toward a parking lot at the entrance of Joint Base Andrews, with Officer Huddleston following closely behind. Body camera footage shows that once Officer Huddleston got to the parking lot, he exited his cruiser and approached Mr. Redding with his gun drawn. Mr. Redding complied with Officer Huddleston’s commands to get on the ground. At that point, Morningside Police Sergeant Nathan Smith also approached, and both officers handcuffed Mr. Redding.



Image 7. Still photograph from surveillance video showing Officer Huddleston (yellow circle) driving through the intersection in pursuit of Mr. Redding.

Once Mr. Redding was placed into custody, the officers placed him in Officer Huddleston's patrol car. Officers also confirmed, via the vehicle registration, that the Mr. Redding's BMW was the same as the one they had been looking for. After the crash, officers seized a Glock handgun from inside the BMW, lying on the floorboards. Investigators determined that the handgun was loaded with one bullet in the chamber and seven additional bullets in the magazine. The magazine was designed to hold 10 bullets.

Approximately one minute after the crash, and while Morningside officers were apprehending Mr. Redding, Prince George's County police officers responded to the crash scene and called for medics. The Taurus that Mr. Redding struck was being operated by Rogelio Sanchez Gomez, who was driving with his two sons, who were in the front and rear passenger seats. Both children were taken to an area hospital and treated for minor injuries. Mr. Sanchez Gomez was pinned in the car, and first responders extricated him from the vehicle at 2:23 p.m., before transporting him [REDACTED] in the District of Columbia, as that was the closest trauma center.

At 1:55 p.m., and while medics were attempting to extricate Mr. Sanchez Gomez, an unknown officer called out over the radio that the crash was likely a fatal incident. Officer Huddleston asked Sergeant Smith if the driver of the Taurus was dead, and Sergeant Smith nodded his head yes. Approximately two minutes later, Mr. Redding asked Officer Huddleston if he was going to be charged with murder, and Officer Huddleston said that he did not know. At 1:57 p.m., Mr. Redding told Officer Huddleston, "I tried to stop, and the car lost control." Officer Huddleston responded, "Well you should have stopped when you seen the red and blue lights in the first place. But other than that, I'm not going to talk anymore about it with you."

As a result of the crash, Mr. Sanchez Gomez [REDACTED]
[REDACTED] He died at the hospital on August 15.

D. Event Data Records from BMW

MSP's statewide Crash Team responded to the scene to complete a collision reconstruction for the IID.

As part of the MSP collision reconstruction, investigators obtained and analyzed the BMW's event data recorder and received data for various vehicle systems for the five seconds prior to the collision. This data revealed that five seconds before the crash, the BMW was traveling between 91-97 miles per hour, and its brake was not on. Three seconds before, the BMW's brake was not engaged, and it was traveling between 68-73 miles per hour. One second before the collision with the Taurus, the BMW was traveling 46-52 miles per hour and the brake was on. At the time of the collision, the BMW was traveling 34-41 miles per hour.

E. Civilian Witness Statements

The IID interviewed two civilians in relation to the pursuit. Where appropriate, details from those interviews have been incorporated above. The accounts given by the civilians are consistent with the other evidence obtained by the IID in this investigation.

1. [REDACTED]

[REDACTED] was interviewed by IID investigators on August 13; [REDACTED] was interviewed by IID investigators on August 16. Both women were together in the parking lot of the McDonalds at Allentown and Suitland Roads when [REDACTED] observed a black BMW traveling at what she estimated was "120 miles per hour." Both women said they saw the BMW approach the right yield lane of Suitland Road, before striking the curb of the island, and fishtail. [REDACTED] said she saw the BMW then travel across the southbound lanes of Allentown Road, strike the curb, and go airborne before striking the roof of the Taurus. [REDACTED] said that after the crash she could hear the driver of the BMW revving his engine and it seemed like "he was trying to get the car off the roof." [REDACTED] saw the BMW's driver get out of the car and run towards Joint Base Andrews, after pulling the hood of his sweatshirt up. [REDACTED] recalled a police car, with lights and sirens activated, approximately 2 seconds behind the BMW. [REDACTED] said that she did not see a police car until approximately 50 seconds after the crash when she saw a Prince George's County Police Department cruiser with its lights and sirens pass her.

F. Law Enforcement Officers' Statements

1. Officer Stephen Huddleston

Officer Huddleston, like the subject of any criminal investigation, has a right under the Fifth Amendment to refrain from making any statement. This Fifth Amendment right also applies to written statements. The United States Supreme Court has held that if such a statement is ordered, the result of threat, or otherwise compelled (*i.e.*, not voluntary), it cannot be used against an officer in a criminal investigation and may not be considered by criminal investigators. *Garrrity v. State of N.J.*, 385 U.S. 493 (1967) (holding that officers' statements

made under threat of termination were involuntary); *Department of Public Safety and Correctional Services v. Shockley*, 142 Md. App. 312, 325 (2002) (“the dispositive issue is whether [the supervisor] *demand*ed that the appellee answer the questions”) (emphasis in original). Officer Huddleston declined to be interviewed and did not submit a pursuit report for this incident. Morningside Police do not have a requirement for reporting and documenting vehicle pursuits.

While Officer Huddleston did not make any statements to IID investigators, he did make spontaneous statements that were recorded on his body camera footage and incorporated above, where appropriate. After arresting Mr. Redding, Officer Huddleston advised two officers from Prince George’s County Police who responded to the scene that Mr. Redding was the driver of the BMW. Officer Huddleston said when he first observed the BMW, it appeared to be driving with the flow of traffic but sped up after he made the U-turn. He lost sight of the car and the next time he saw the BMW was when he saw “smoke.” Officer Huddleston also told Sergeant Smith and a Prince George’s County Police lieutenant that he did not witness the accident.

In an additional spontaneous statement, Officer Huddleston told PGPD officers, “So when he made the right. Came down Suitland, made the right on Allentown, missed the median, and landed on top of the car.” This statement seems to slightly contradict video evidence and his other statements, which indicate that he lost sight of the vehicle after making the U-turn but could also be based on his assumptions from seeing the position of the vehicles after the crash.

2. Sergeant Nathan Smith

Sergeant Smith was interviewed by IID investigators on August 22. Sergeant Smith said that on August 13, he was in the 6100 block of Suitland Road when he heard the call over the radio for a shooting and the vehicle description. Sergeant Smith heard the dispatcher say, “That the car got onto Suitland Parkway,” and he proceeded to the light at Suitland Road. The car drove past him at the light at the intersection of Suitland Parkway and Suitland Road. He said he saw a “black BMW, high rate of speed, coming off the ramp.” He asked the dispatcher to verify that the vehicle was the one reported as being involved in the shooting, activated his emergency lights, and attempted to make a U-turn at the light. “By the time I made the U-turn, I lost sight of the vehicle.” Sergeant Smith drove toward Allentown Road, but by the time that he got to the area, the “car already crashed, had one running on foot, and I helped apprehend him.” Sergeant Smith said that by the time he got to the accident scene, Officer Huddleston had already called over the radio that the suspect was running on foot.

Officer Huddleston worked under Sergeant Smith’s supervision. Sergeant Smith recalled “possibly” telling Officer Huddleston to stay with the vehicle once he saw it drive past him. Sergeant Smith said that “due to the nature of the call, we didn’t know if it was contact or noncontact [shooting],⁴ by that vehicle going at a high rate of speed, I would want him [Officer Huddleston] to get eyes on it.” Sergeant Smith said Morningside Police Department officers follow Prince George’s County Police Department’s pursuit policy.

⁴ A “contact” shooting is one in which an individual is struck. A “noncontact” shooting is one in which shots were fired but nobody was struck.

III. Involved Parties' Backgrounds

As part of its standard investigative practice, the IID obtained information regarding the involved parties' criminal histories, departmental internal affairs, and relevant training records. To the extent any criminal history exists, it is being provided to the Prince George's County State's Attorney's Office with this report.

A. Dashawn Maurice Redding

Mr. Redding, the driver of the fleeing car, is a 31-year-old Black man from Suitland, Maryland.

B. Rogelio Sanchez Gomez

Mr. Sanchez Gomez, the decedent, was a 44-year-old Hispanic man from Suitland, Maryland.

C. Officer Stephen Huddleston

Officer Huddleston is a white man who was 30 years old at the time of this incident. He was hired by the Morningside Police Department in June 2022. [REDACTED]

[REDACTED] He has not been involved in any prior vehicle pursuits and has not been the subject of any internal affairs complaints.

IV. Applicable Policies

Morningside Police Department has the following policies concerning vehicle pursuits and rendering medical aid. Morningside Police are in the process of updating their policies to mirror those of Prince George's County Police, as Morningside Police's policies—including those below—have not been updated since 2002. The complete policies are attached as Appendix B.

A. Operation of Police Vehicles

Morningside Police's vehicle policy states that pursuit driving is "driving concerned with the pursuit and apprehension of a violator or violators in a motor vehicle [...] pursuits are conducted using emergency equipment." The policy further says that "the officer who undertakes a pursuit does so at his or her discretion," taking into consideration certain factors. Specifically, a Morningside Police officer is allowed to pursue a vehicle "only when he has probable cause to believe the violator has committed or is attempting to commit a serious felony which is considered a crime of violence" or "when the necessity of immediate apprehension outweighs the level of danger created by the pursuit."

B. Medical Assistance

Morningside Police's policy requires "officers shall render, or cause to be rendered, medical assistance to any injured person."

V. Applicable Law & Analysis

The IID analyzed Maryland law that could be relevant in a vehicle pursuit of this nature. This section presents the elements of each possible criminal charge and analyzes these elements in light of the factual findings discussed above. The IID has jurisdiction to investigate the actions only of police officers, not civilians. This section will therefore address the conduct of only Officer Huddleston. It will not analyze the conduct of Mr. Redding.

There are two primary charges applicable to the circumstances of this case: manslaughter by vehicle, Crim. Law § 2-209, which is analyzed in subsection A, and criminally negligent manslaughter by vehicle, Crim. Law § 2-210, which is analyzed in subsection B, below.

A. Manslaughter by Vehicle⁵

Criminal Law § 2-209(b) states: "A person may not cause the death of another as a result of the person's driving, operating, or controlling a vehicle or vessel in a grossly negligent manner."

To prove manslaughter by vehicle, the State must establish: "(1) that the defendant drove a motor vehicle; (2) that the defendant drove in a grossly negligent manner, and (3) that this grossly negligent driving caused the death of [Mr. Sanchez Gomez]." MPJI-Cr 4:17.10 Homicide—Manslaughter by Motor Vehicle, MPJI-Cr 4:17.10 (2d ed. 2021). Grossly negligent conduct is that which "amount[s] to a wanton and reckless disregard for human life." *Duren v. State*, 203 Md. 584, 588 (1954) (citing *State of Maryland v. Chapman, D.C.*, 101 F. Supp. 335, 341 (D. Md. 1951); *Hughes v. State*, 198 Md. 424, 432 (1951)).

In this case, a factfinder—a judge or jury—would assess whether Officer Huddleston's driving was grossly negligent. In Maryland, that determination rests on what a "reasonable officer" would do, which must also account for the fact that an officer is permitted to violate some traffic laws under certain circumstances. See *Boyer v. State*, 323 Md. 558, 589 (1991) ("the police officer's conduct should be judged not by hindsight but should be viewed in light of how a *reasonably prudent police officer* would respond faced with the same difficult emergency situation" (emphasis added)). Here, Officer Huddleston activated his patrol car's lights and sirens upon making a U-turn to pursue Mr. Redding. A review of the surveillance and body camera video shows that the entire event lasted less than one minute, and Officer Huddleston arrived at the crash scene approximately six seconds after the crash occurred. As Morningside Police

⁵ This report does not analyze the charge of common law involuntary manslaughter with respect to the pursuit itself because that charge is preempted by the manslaughter by vehicle statute. *State v. Gibson*, 254 Md. 399, 400-01 (1969).

cruisers are not equipped with working in-car video and the cruiser was not involved in any collision, investigators were not able to obtain speed data from Officer Huddleston's car. However, a review of the motel surveillance video, and Officer Huddleston's own statements, indicate that while he appeared to be driving faster than the posted 35-mile-per-hour speed limit, there is no indication he struggled to control his vehicle or came close to colliding with any person(s) or property while he was pursuing the BMW.

If a factfinder determined that Officer Huddleston did not drive in a grossly negligent way, to sustain a conviction the State would need to show that the decision to engage in the pursuit was itself grossly negligent. One way to determine this is to examine whether the pursuit complied with Morningside Police's vehicle pursuit policy. The Supreme Court of Maryland has held that, "a violation of police guidelines *may* be the basis for a criminal prosecution." *State v. Pagotto*, 361 Md. 528, 557 (2000) (citing *State v. Albrecht*, 336 Md. 475, 502-03 (1994)) (emphasis in original). The Court clarified that, "while a violation of police guidelines is not negligence *per se*, it is a factor to be considered in determining the reasonableness of police conduct." *Id.* (citations omitted). Maryland courts have considered officers' policy violations as evidence of negligence, recklessness, unreasonableness, and corrupt intent.⁶ However, a "hypertechnical" violation of policy, without more, is not sufficient to establish gross negligence. *State v. Pagotto*, 127 Md. App. 271, 304 (1999), *aff'd*, 361 Md. 528 (2000).

Here, the available evidence indicates that the officer's decision to engage in the pursuit was compliant with Morningside Police's vehicle pursuit policy, which allows Morningside Police officers to pursue a vehicle only if they have probable cause to believe the operator committed a serious felony or crime of violence. Here, Officer Huddleston was monitoring the radio and his mobile dispatch terminal and was aware, via the dispatcher, that the driver of the BMW was a suspect in a shooting moments earlier. He also knew, again via the radio, that officers in surrounding jurisdictions were actively searching for him. Officer Huddleston further had the vehicle information, including the license plate number. As such, it would be difficult for the State to prove beyond a reasonable doubt that Officer Huddleston did not have probable cause to believe the operator of the BMW had just committed the shooting and that the pursuit did not fall within the department's policy.

Additionally, a factfinder would need to use the available evidence to determine whether Officer Huddleston caused Mr. Sanchez Gomez's death, as required to satisfy the third element of a manslaughter by vehicle charge. In order to satisfy this element, the state must prove that Officer Huddleston caused Mr. Sanchez Gomez's death. "A causal connection between ... gross negligence and death must exist to support a conviction" *Albrecht*, 336 Md. at 499 (citation omitted). See also *Craig v. State*, 220 Md. 590, 597 (1959) (negligence "must be the proximate cause of death"); *Duren*, 203 Md. at 593 ("Necessarily, the criminal negligence must have produced the death if the accused is to be guilty of manslaughter."); *Blackwell v. State*, 34 Md. App. 547, 557 (1977) (there must "be some reasonable connection between the act or omission

⁶ See, e.g., *Albrecht*, 336 Md. at 503; *Pagotto*, 361 Md. at 550-53; *Koushall v. State*, 249 Md. App. 717, 729-30 (2021), *aff'd*, No. 13, Sept. Term, 2021 (Md. Feb. 3, 2022); *Kern v. State*, No. 2443, Sept. Term 2013, 2016 WL 3670027, at *5 (Md. Ct. Spec. App. Jul. 11, 2016) (unreported); *Merkel v. State*, No. 690 Sept. Term 2018, 2019 WL 2060952, at *8 (Md. Ct. Spec. App. May 9, 2019) (unreported); *Mayor and City Council of Baltimore v. Hart*, 395 Md. 394, 398 (2006) (civil litigation).

and the death that ensued”) (citation omitted); *Mills*, 13 Md. App. at 200. “It is required, for criminal liability, that the conduct of the defendant be both (1) the actual cause, and (2) the ‘legal’ cause (often called ‘proximate’ cause) of the result.” LaFave, Criminal Law § 6.4(a), at 437. For conduct to be the actual cause of some result, “it is almost always sufficient that the result would not have happened in the absence of the conduct”—or “but for” the officers’ conduct. LaFave, Criminal Law § 6.4(b), at 439. However, the causal link between an accused person’s actions and another person’s death—the chain of causation—may be broken by an “unforeseen and intervening event” that more immediately causes the death. *Pagotto*, 127 Md. App. at 364. For an intervening act to be sufficient to break the chain of causation, it must outweigh the effect of an accused person’s negligent act and produce an outcome that was not a foreseeable consequence of the negligent act. *Id.* at 356-61. Even if the officer was found to have been grossly negligent, it is unclear whether pursuing a vehicle that then crashes into another vehicle, killing that car’s occupant, is sufficient to establish causation under Maryland law. On one hand, the fleeing driver’s own conduct may constitute an independent intervening cause that breaks the chain of causation between the officer’s conduct and the crash. *See Pagotto*, 127 Md. App. at 364 (finding that a driver’s attempted flight from a traffic stop constituted an intervening cause between the officer’s alleged negligence in how he approached the car and the accidental discharge of his gun as the driver began to flee). On the other hand, a court could find that the death of a fleeing driver or passenger is a reasonably foreseeable outcome of the inherently dangerous decision to engage in a pursuit. *See Goldring v. State*, 103 Md. App. 728, 739 (1995) (finding a street racer criminally liable for his co-racer’s death, even though it was the decedent who lost control of his car, because the conditions of the race were so inherently dangerous that death was reasonably foreseeable). In this case, a factfinder would have to balance the fact that the pursuit occurred during daylight hours on a busy street, the limited duration of the pursuit, and fact that the officer’s cruiser was so far behind the BMW that he lost sight of it and did not witness the accident.

B. Criminally Negligent Manslaughter by Vehicle

Criminal Law § 2-210 states:

(b) A person may not cause the death of another as the result of the person’s driving, operating, or controlling a vehicle or vessel in a criminally negligent manner. (c) For purposes of this section, a person acts in a criminally negligent manner with respect to a result or a circumstance when: (1) the person should be aware, but fails to perceive, that the person’s conduct creates a substantial and unjustifiable risk that such a result will occur; and (2) the failure to perceive constitutes a gross deviation from the standard of care that would be exercised by a reasonable person. (d) It is not a violation of this section for a person to cause the death of another as the result of the person’s driving, operating, or controlling a vehicle or vessel in a negligent manner.

Criminally negligent manslaughter by vehicle differs from manslaughter by vehicle only in that it requires proof of criminal negligence rather than gross negligence. MPJI-Cr 4:17.10 Homicide—Manslaughter by Motor Vehicle, MPJI-Cr 4:17.10 (2d ed. 2021). Gross negligence

requires proof that “the defendant *was conscious of the risk* to human life posed by his or her conduct.” 96 Md. Op. Atty. Gen. 128, 138, Dec. 21, 2011 (*available at* <https://www.marylandattorneygeneral.gov/Opinions%20Documents/2011/96oag128.pdf>) (emphasis in original). Criminal negligence requires proof that “the defendant *should have been aware, but failed to perceive* that his or her conduct created a ‘substantial and unjustifiable risk’ to human life and that the failure to perceive that risk was a ‘gross deviation’ from the standard of care that a reasonable person would exercise.” *Id.* (emphasis in original; quoting Crim. Law § 2-210). In *Beattie v. State*, the Appellate Court explained Maryland’s “gross deviation” standard by comparing it with a similar Kansas statute that used the “material deviation” standard, stating: “a ‘material deviation’ from the standard of care require[s] ‘something more than ordinary or simple negligence yet something less than gross and wanton negligence.’” 216 Md. App. 667, 683 (2014). The court’s analysis presents negligence as a spectrum—with simple negligence on one end, followed by criminal negligence (“a gross deviation from the standard of care”), and ending with gross negligence.

As with the manslaughter by vehicle charge discussed above in Section V(A), the State would need to prove that Officer Huddleston created an unjustifiable risk that was a gross deviation from a reasonable standard of care. While there is little case law interpreting the criminally negligent manslaughter statute, which was enacted in 2011, those few cases have examined issues related to speed, visibility, driver aggressiveness, and driver impairment. *See, e.g., id.* at 684 (upholding a conviction where defendant “drove his 70-foot tractor trailer, in the dark, across three lanes of traffic on a highway where the speed limit was 65 miles per hour” and “[d]ue to his location near the curve of the road, he could see only a distance of a quarter mile.”); *Billups v. State*, 2019 WL 4724633, at *3 (Md. Ct. Spec. App. Sept. 26, 2019) (upholding a conviction where defendant, while high on PCP, drove on a highway on-ramp while swerving and going 16 miles per hour over the speed limit); and *Dobrzynski v. State*, 223 Md. App. 771 (2015) (upholding a conviction where defendant drove while on medication and severely over-tired and drove above the speed limit knowing that her child was unbuckled in the back seat).

On one hand, by his own admission and based on video evidence, Officer Huddleston drove at speeds in excess of the posted speed limit on what appears to be a reasonably busy road. Further, by the time Officer Huddleston saw the BMW on Suitland Road, it had slowed down and was traveling with the flow of traffic. It was only once the BMW passed Officer Huddleston in his marked cruiser that it sped up again, presumably in response to Officer Huddleston’s presence and pursuit. On the other hand, the pursuit occurred during daylight hours, with clear weather and dry road conditions. The BMW was driving erratically when Mr. Redding was first shooting at the occupants of the Honda and again when Sergeant Smith observed it. When Officer Huddleston began his pursuit, the BMW remained, at all times, at least several car lengths in front of Officer Huddleston. It also does not appear that Officer Huddleston struggled to control his speed at any point, in contrast to Mr. Redding’s loss of control. Finally, there is certainly no evidence that Officer Huddleston was in any way impaired during the pursuit, unlike some of the defendants referenced in the criminally negligent manslaughter by vehicle cases cited above.

Furthermore, because the relevant legal standard asks whether a defendant “should have been aware” of the risks of his conduct, the presence of policies that warn an officer about the

potential risks of vehicle pursuits would be relevant. Officers are of course allowed, by policy and state law, to break some traffic rules under certain conditions. This allowance could be particularly relevant here, given that the pursuit was at least implicitly authorized by Sergeant Smith and appears to have been authorized under the Morningside Police policies. In sum, the factors examined above under the gross negligence standard are similarly applicable here but are subject to a less stringent legal standard.

C. Duty of Driver to Render Reasonable Assistance to Persons Injured in an Accident

Transportation Article § 20-104(a) states: “The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall render reasonable assistance to any person injured in the accident and, if the person requests medical treatment or it is apparent that medical treatment is necessary, arrange for the transportation of the person to a physician, surgeon, or hospital for medical treatment.”

This offense requires proof that: (1) the defendant drove a motor vehicle; (2) the motor vehicle was involved in an accident; (3) the accident resulted in bodily injury to or death of a person or in damage to an attended vehicle or other attended property; and (4) the defendant did not render reasonable assistance to a person injured in the accident.

Whether Officer Huddleston was involved in an accident is a determination best left to the factfinder. *See Comstock v. State*, 82 Md. App. 744, 755 (1990) (holding that a defendant driver may be involved in an accident for the purposes of the duty to render aid statute even if there is no physical contact between vehicles).

If a factfinder decided Officer Huddleston was involved in the accident, they could then consider several factors when determining whether Officer Huddleston rendered reasonable assistance to Mr. Sanchez Gomez. Officer Huddleston reported the collision at the exact moment it happened. Additionally, as captured on body-worn camera footage, Officer Huddleston slowed at the intersection and assessed the crash before proceeding after the fleeing Mr. Redding. Numerous officers from Prince George’s County were also on scene less than a minute after the crash and immediately called for medics while the Morningside Police officers apprehended the fleeing suspect. And finally, there is no indication that additional medical aid could have prevented Mr. Sanchez Gomez’s death given the nature and extent of his injuries.

D. Reckless Driving and Negligent Driving

Transportation Article § 21-901.1(a) states: “A person is guilty of reckless driving if he drives a motor vehicle: (1) In wanton or willful disregard for the safety of persons or property; or (2) In a manner that indicates a wanton or willful disregard for the safety of persons or property.”

Transportation Article § 21-901(b) states: “A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.”

Factors such as “[s]peed, erratic driving, disregard of the red light, [and] force of impact ... can be taken as evidence of wanton or reckless disregard of human life.” *Taylor v. State*, 83 Md. App. 399, 404 (1990) (citing *Boyd v. State*, 22 Md. App. 539 (1974); *State v. Kramer*, 318 Md. 576, 590 (1990)).

For the reasons outlined in Sections V(A) and V(B) above, the available evidence would make it difficult for the State to prove beyond a reasonable doubt that Officer Huddleston drove recklessly or negligently.

E. Other Charges Considered⁷

There are several other charges for which full analysis was not warranted given the facts of this incident. Those charges are addressed briefly here.

The crimes of first-degree murder, intentional second-degree murder, and voluntary manslaughter each require the State to prove the defendant had “either the intent to kill or the intent to inflict such serious bodily harm that death would be the likely result.” MPJI-Cr 4:17 Homicide—First Degree Premeditated Murder and Second Degree Specific Intent Murder, MPJI-Cr 4:17 (2d ed. 2021); *Cox v. State*, 311 Md. 326, 331 (1988) (voluntary manslaughter is “an intentional homicide”). In this case, there are no facts suggesting that Officer Huddleston intended to kill or cause serious bodily harm to Mr. Sanchez Gomez.

The crime of second-degree depraved heart murder requires the State to prove the defendant “created a very high degree of risk to the life of [Mr. Sanchez Gomez]” and “acted with extreme disregard of the life endangering consequences” of such risk. MPJI-Cr 4:17.8 Homicide—Second Degree Depraved Heart Murder and Involuntary Manslaughter (Grossly Negligent Act and Unlawful Act), MPJI-Cr 4:17.8 (2d ed. 2021). With respect to the pursuit, this charge is preempted by the manslaughter by vehicle statute. *Blackwell v. State*, 34 Md. App. 547, 555-56 (1977).

The crime of misconduct in office requires the State prove: (1) that the defendant was a public officer; (2) that the defendant acted in their official capacity or took advantage of their public office; and (3) that the defendant corruptly did an unlawful act (malfeasance), corruptly failed to do an act required by the duties of their office (nonfeasance), or corruptly did a lawful act (misfeasance). MPJI-Cr 4:23 Misconduct in Office (Malfeasance, Misfeasance, and Nonfeasance), MPJI-Cr 4:23 (2d ed. 2021). “[T]he conduct must be a willful abuse of authority and not merely an error in judgment.” Comment to *id.* (citing Hyman Ginsberg and Isidore Ginsberg, *Criminal Law & Procedure in Maryland* 152 (1940)). While the State need not show direct evidence of intent when alleging malfeasance, the available evidence here does not indicate that Officer Huddleston engaged in any unlawful act. See *Pinheiro v. State*, 244 Md. App. 703, 722 n. 8 (2020). Regarding misfeasance and nonfeasance, there is no evidence that Officer Huddleston acted with a corrupt intent, defined as “depravity, perversion, or taint.” *Id.*

⁷ This report does not analyze the potential charge of reckless endangerment because the relevant subsection of that statute “does not apply to conduct involving ... the use of a motor vehicle.” Criminal Law § 3-204(c)(1)(i).

This report has presented factual findings and legal analysis relevant to the fatal officer-involved vehicle pursuit that occurred on August 13, 2023, in Prince George's County, Maryland. The IID will supplement this report when it receives the autopsy report from the OCME and the final Crash Team analysis from MSP, but please contact the IID if you would like us to supplement this report in any other way through further investigation or analysis.



INDEPENDENT INVESTIGATIONS DIVISION

Supplemental Report Concerning the Officer-Involved Fatal
Incident in Prince George's County on August 13, 2023

January 23, 2024

**Supplemental Report of the Independent Investigations Division of the
Maryland Office of the Attorney General Concerning the
Officer-Involved Death of Rogelio Sanchez Gomez on August 13, 2023.**

The Office of the Attorney General’s Independent Investigations Division (the “IID”) is charged with “investigat[ing] all police-involved incidents that result in the death of a civilian” and “[w]ithin 15 days after completing an investigation ... transmit[ting] a report containing detailed investigative findings to the State’s Attorney of the county that has jurisdiction to prosecute the matter.” Md. Code, State Gov’t § 6-602(c)(1), (e)(1).

Due to the delay in receiving the autopsy report from the District of Columbia Office of the Chief Medical Examiner (“DCOCME”) and a final crash report from the Maryland State Police (“MSP”), in contrast to the finality of all other aspects of the investigation, the IID and the Prince George’s County State’s Attorney’s Office (“SAO”) agreed that an interim report would be useful. The IID agreed to supplement the interim report upon receipt of the autopsy report and crash report. On September 26, 2023, the IID transmitted its interim report to the SAO.

This supplemental report provides the results of the autopsy and crash reports and concludes the IID’s investigation. Nothing in those reports alters the legal analysis in the interim report.

I. Autopsy Examination

Rogelio Sanchez Gomez’s autopsy was conducted by Dr. Batoul Aoun, pathologist at the DCOCME, on August 16, 2023. The IID received the final autopsy report on January 3, 2024. Dr. Batoul identified Mr. Sanchez Gomez’s cause of death as “multiple blunt force injuries.” These injuries included abrasions, lacerations, and contusions to the head; skull fractures; and hemorrhages in the brain. Dr. Aoun concluded that Mr. Sanchez Gomez’s manner of death was “accident.”¹

II. Crash Report

MSP Sgt. Kevin Zarzecki, a member of the statewide Crash Team, responded to the scene to complete a collision reconstruction. Afterward, Sgt. Zarzecki prepared a report detailing his methodology and factual findings, including an analysis of the cars driven by Dashawn Redding (“the BMW”) and by Mr. Sanchez Gomez (“the Taurus”). The IID received this report on January 10, 2024.

One source of information for Sgt. Zarzecki was the BMW’s event data recorder (EDR), which stored data about various systems in the vehicle for the five seconds prior to the collision.

¹ Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. The District of Columbia Office of Chief Medical Examiner uses five categories of manner of death: natural, accident, suicide, homicide, and undetermined. These classifications are the same classifications that the Maryland Office of the Chief Medical Examiner uses and has defined. “Accident” applies when injuries caused the death in question and there is little or no evidence that the injuries occurred with the intent to harm or cause death. These terms are not considered a legal determination, rather they are largely used to assist with public health statistics. “A Guide for Manner of Death Classification,” First Edition, National Association of Medical Examiners, February 2002

The BMW's EDR showed that five seconds before colliding with the Taurus, the BMW was traveling at 91 miles per hour, and its brake had been applied. Two seconds before the crash, the BMW's brake was still engaged, and it was traveling at 57 miles per hour; it slowed to 46 miles per hour one second later. At the exact moment that it struck the Taurus, the BMW was traveling at 34 miles per hour with the brake on. The Taurus was not equipped with an EDR due to its age.

Using video footage of the collision, Sgt. Zarzecki determined that the Taurus was stopped at a red light going northbound on Allentown Road at its intersection with Suitland Road. The Taurus was the fourth vehicle in the left turn lane, and when the traffic light turned green, it began to accelerate forward. Around the same time, the BMW was traveling eastbound on Suitland Road in the right turn lane at a high rate of speed, then attempted to turn southbound onto Allentown Road. Due to its speed, the BMW was unable to negotiate the turn, and instead, crossed all the southbound lanes on Allentown Road and struck the concrete median. The BMW then went airborne "directly in front and in the path of travel of the Ford Taurus." While the BMW was airborne, it struck the front windshield area of the Taurus, then came to a rest on top of the Taurus's trunk.

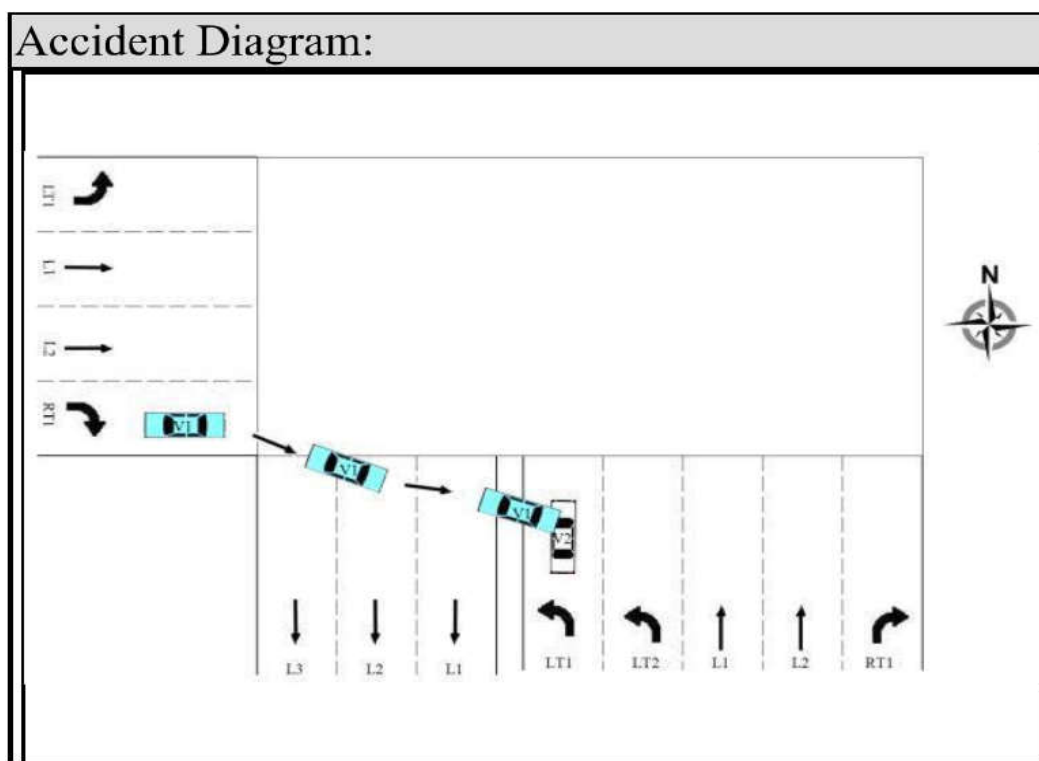


Image 1: Diagram of the collision scene from MSP's crash report. The BMW is depicted in blue.

This supplemental report has presented additional factual findings relevant to the investigation into the officer-involved death of Rogelio Sanchez Gomez on August 13, 2023, in Morningside, Maryland. Nothing in this supplemental report alters the legal analysis provided in the interim report. This concludes the IID's investigation into this matter. Please contact the IID if you would like us to undertake any additional investigative steps.

Appendices

Appendix A – Materials Reviewed

911 Calls (1 recording)
Body Worn Camera Video (16 videos)
CAD Reports (1 item)
Civilian Witness Statements (1 Item)
Departmental Policies (3 items)
IA History and Training Records (1 item)
Medical Records (1 item)
MSP Reports (5 items)
OAG Reports (9 reports)
Officer Witness Statements (1 recording)
Other Video (39 recordings)
Photographs (105)
Police Reports (5 items)
Search Warrants (8 items)
Subpoenas (8 items)

All materials listed above have been shared with the Prince George's County State's Attorney's Office via a secure filesharing service.

Appendix B – Relevant Morningside Police Department Policy

See attached.

Appendix B

Relevant Morningside Police Department Policy

SUBJECT: OPERATION OF POLICE VEHICLES

NUMBER: 2-9

EFFECTIVE DATE: 12/12/02

REVIEW DATE: 12/12/02

AMENDS/SUPERSEDES: All Previous

APPROVED: 12/12/02 *[Signature]*
Chief of Police

CALEA STANDARDS: 41.2, 62.1

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

Police vehicles; operation of; pursuit; rules governing operation of police vehicles; definitions; unmarked police vehicles; inspection; driving rules; justification of pursuit; emergency driving; vehicle response codes; roadblocks; ramming; dispatchers' responsibilities (regarding emergency driving); rules of pursuit; abandoning pursuit.

I. POLICY:

All personnel operating department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects its police officers to demonstrate exemplary driving behavior. All department personnel who operate police vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be minimally used consistent with both legal requirements and the safety of the public and police personnel.

II. PURPOSE:

To establish procedures governing the operation of police vehicles, with special attention to emergencies and pursuits.

III. DEFINITIONS:

A. Normal or Routine Driving:

III. DEFINITIONS:

A. Normal or Routine Driving:

That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly understood "rules of the road" and courtesy.

B. Pursuit Driving:

That driving concerned with the pursuit and apprehension of a violator or violators in a motor vehicle, consistent with the provisions of Maryland law Section 21-106. Pursuits are conducted using emergency equipment.

C. Emergency Driving:

That driving is response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Maryland Law governs emergency responses.

D. Emergency Equipment:

Flickering, blinking or alternating emergency lights and a siren, whistle or air horn designed to give intermittent signals automatically.

IV. PROCEDURES FOR ALL RESPONSES:

A. General:

1. All departmental vehicles will be driven safely and properly in full compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority on the streets and the actions of police drivers are observed by many. Each police driver must set an example of good driving behavior and habits.

2. Under certain emergencies as defined below, the Maryland law authorizes disregard of traffic regulations; however, both the operator and the department are not released from civil liability for failure to use reasonable care in such operation. Improper driving can cost each police driver, personally, civil damages while inflicting harm or injury to the driver, other law enforcement personnel, other citizens or causing property damage, and damaging the image of the department and law enforcement generally.

B. Routine Operation:

In case of accident or damage to any police vehicle, the driver will immediately request either the supervisor or a senior officer to conduct an investigation which will be immediately reported on a state accident investigation form. The Chief of Police will review all such reports and take appropriate action, to include coordination with the town attorney.

1. Vehicles used in routine or general patrol service will be those that are conspicuously marked. Conspicuous marking increases safety, serves as a warning to potential violators, and provides citizens with a feeling of security.
2. Un-marked or specialty vehicles shall not be used for pursuit, but may be used for patrol. They may be used to stop vehicles provided they are equipped with grille mounted emergency lights and headlight flashers. (See RR VI Sec. C).
3. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights and alley (side) lights on the rooftop light bar. Hazardous warning lights should be used at any time police vehicle is parked where other moving vehicles may be endangered. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner which will blind or interfere with the vision of operators of other approaching vehicles (Maryland Law).
4. Seat belts and shoulder straps shall be worn by all police personnel or ride-along during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible. The only exception is:

At approach to any scene of an incident or service call where the police officer believes a rapid departure from the vehicle may be required, the officer may release the seat belt. Seat belts will, however, be worn any time the vehicle is being operated under emergency conditions.

C. Inspection:

1. Officers are responsible daily to check the cleanliness, general operability of equipment and fluid levels (oil, brake fluid, gas) of their assigned vehicles.
2. Officers shall examine their vehicles at the beginning and end of their shifts for damage. Officers shall report any damage immediately.
3. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband or property discarded by prisoners or others.

4. Officers who discover a police vehicle in need of repairs shall immediately inform the OIC or Chief.

5. If, in the opinion of the Chief of Police, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.

D. Driving Rules:

1. Circumstances permitting, the driver must check the safety features of his vehicle before commencing operation. The check should include (but not limited to) all lights, brakes, siren, horn and steering.

2. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device or any part of the vehicle which affects its operation.

3. During periods of inclement weather when police vehicles cannot be washed regularly, the driver must assure that headlight and taillight lenses are kept clean, insofar as circumstances permit.

4. No officer or employee shall operate any police vehicle which he believes to be unsafe.

5. The driver shall exercise careful observation of surrounding conditions before turning or backing any vehicle.

6. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of the vehicle in accordance with these factors.

7. The nature of certain crimes in progress may call for the use of the siren to be discontinued upon close approach to the location of the occurrence, and although such action is permitted by authority of this order, police vehicle operations under these conditions require extreme caution.

8. Emergency driving to the scene of a motor vehicle accident is permissible ONLY when an emergency exists or when specific information indicates that conditions at the scene require the immediate presence of an officer.

9. Upon approaching a controlled intersection or other location where there is great possibility of collision, the driver who is responding under emergency conditions shall reduce the speed of his vehicle and control it to avoid collision with another vehicle or pedestrian, stopping completely if necessary, before entering and traversing the

intersection. When faced with a red traffic signal, the officer shall stop his vehicle and assure by careful observation that the way is clear before proceeding through the intersection.

10. Regardless of the seriousness of the situation to which he is responding, and excepting circumstances that are clearly beyond his control, the operator of a police vehicle shall be held accountable for the manner in which he operates his vehicle.

11. At the scene of a crime, a motor vehicle crash, or other police incident, a police vehicle shall be parked in such a manner so as to not create an obstacle or hazard to other traffic. The emergency lights and four way flashing lights should always be used to warn other drivers approaching the location.

12. The driver should lower one front door window far enough to hear other sirens and traffic warning signals.

13. Operators of police vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way.

V. PROCEDURES FOR EMERGENCY DRIVING:

A. General:

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified. The department, however, imposes on the officer the restriction of driving no faster than 20 miles per hour above the posted speed limit in an emergency response (excluding pursuits).

2. The Maryland Traffic Law reminds the officer that "Nothing in this section shall be construed to release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation". Recognizing that protection of human life is paramount, the responding officer must remember that his objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others.

B. Response Codes:

1. Calls for service are classified as Routine or Priority depending on circumstances. The Codes are defined as follows:

A) Priority:

Units responding to priority calls as the primary and back up units shall respond rapidly to the location of the emergency, by most direct means, using all emergency warning devices, with a paramount consideration for the safety of the public and the assigned officers.

B) Routine:

Units responding to routine calls shall respond to the location without delay by the most direct route, complying with all traffic regulations and shall not use emergency warning devices.

(1) Upon arrival at the scene of a call, the responding officer should rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding priority can be slowed or cancelled.

(2) All units responding to robbery and burglary in progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights.

(3) In situations requiring silent response, e.g., alarm response, prowler calls, officers will respond as rapidly as possible, obeying all traffic laws and signs.

(4) Officer-initiated response

When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary police service, the department authorizes an emergency response. Examples include:

A. At the scene of any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents or disaster).

B. As a visual signal to attract the attention of motorists stopped for traffic violations, or to warn motorists of imminent dangers.

C. Responding to a routine call, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as priority.

D. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate police response.

- E. In response to an officer emergency request for assistance.
- F. For pursuit, see section VI.

VI. PROCEDURES FOR PURSUITS

A. Officer Responsibilities

The officer who undertakes a pursuit does so at his or her discretion taking into consideration the factors listed below. The officer's primary responsibility in a pursuit is the safe operation of the vehicle, and location. The officer shall notify the dispatcher of the pursuit, direction of travel, description of the pursued vehicle, and location. The officer may end the pursuit at any time that he or she feels it necessary to do so.

B. Supervisor's Responsibilities

The patrol supervisor shall monitor the pursuit and respond. The supervisor may end the pursuit at any time he or she feels circumstances warrant.

C. Back up Responsibilities

The first back-up unit to respond shall assist the primary officer in making the arrest. He or she will also assume the responsibility of updating the dispatcher with the location and direction of travel of all vehicles involved, thereby allowing the primary officer to focus attention on the pursuit driving. If primary unit is unmarked, they shall give primary to the first marked unit to join the pursuit.

D. Justification for pursuit

Any officer may pursue a vehicle only when he has probable cause to believe the violator has committed or is attempting to commit a serious felony which is considered a crime of violence under Maryland Law as listed in article 27 section 441 of the Annotated Code or when the necessity of immediate apprehension outweighs the level of danger created by the pursuit. Officer shall not pursue vehicles for misdemeanors, minor felony's, traffic violations or violations of town ordinances.

E. Considerations in engaging in pursuit

1. Crimes of Violence

Abduction, arson, common law burglary, escape, housebreaking, kidnapping, voluntary manslaughter, mayhem, murder, rape, robbery with a deadly weapon, 1st degree sexual offense, and sodomy; or an attempt to commit any of the above listed offenses, or assault with the intent to commit any other offense punishable by imprisonment for more than one year.

2. Officers shall not operate a vehicle at a rate of speed that may cause loss of control. The department expects an officer to end his involvement in pursuit whenever the risks to his own safety, or the safety of others, outweighs the danger to the community if the suspect is not apprehended.

3. The decision to begin, responsibility for continuing , and the choice of method of pursuit rests primarily, if not solely, with the individual officer(s) involved. In deciding, he is faced with a dilemma because, although the law does not prevent him from using emergency speeds while engaged in pursuit, it does hold him criminally and civilly responsible for his actions. Therefore, he must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of the citizens. Such considerations include:

- A. Does the seriousness of the crime warrant a chase at unsafe speed?
- B. What is the possibility of apprehension?
- C. Will the pursuit take place on residential streets, a business district or freeway?
- D. When a police officer begins pursuit of a fleeing vehicle, he must remember that citizens using public highways do not expect their travel to be interrupted by a high-speed chase or to become involved in an accident as a consequence. Children playing on the side of the street are likely to be drawn towards a police car with the siren and emergency light operating, rather than cautioned away from it.
- E. Street and traffic conditions.
- F. The weather conditions
- G. Road conditions and lighting (visibility)
- H. Balance the pursuit's danger to the public against allowing suspect to escape,

4. Intersections are a particular source of danger. Officers, when approaching an intersection where signal lights or stop signs control the flow of traffic, should:

- A. Decelerate and prepared to apply the brakes
- B. Enter the intersection only when safe, all cross vehicles are aware of the officer's presence, and at a reduced. speed.
- C. Resume pursuit speed only when safe. When using emergency light, siren and headlamps, the officer is requesting the right of way and DOES NOT ABSOLUTELY HAVE the right to run a red traffic light or stop sign.

F. **Rules of Pursuits:**

1. Officers shall not ram, bump or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
2. Pursuits shall be limited to two police vehicles, a primary and a secondary. Other police vehicles shall not leave their assignments to join the pursuit. Additional units may participate but only under order by the supervisor on duty or the sergeant.
3. Officers shall not fire their weapons from a moving police vehicle. Officers may only fire weapons at a vehicle under conditions described in GO 2-6, Paragraphs V. A.3 and VI.C..
4. Whenever the pursuit extends off roadway, as when the fleeing vehicle leaves the roadway and proceeds cross-country, the pursuing officer(s) must carefully consider whether or not the seriousness of the offense outweighs the risk to his safety and the potential damage to the police vehicle or private property. When the risks of pursuit exceed the need to capture the offender, **THE OFFICER MUST DISCONTINUE PURSUIT.**
5. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, officer should stop, give his location and continue efforts to apprehend on foot. The back up car, or second police vehicle should be dispatched in close proximity to offer assistance.
6. A supervisor may direct that the pursuit be ended. If the pursuing officer receives such an order to stop the pursuit, he shall do so immediately and acknowledge the order. Also, the pursuing officer(s) must end the pursuit if at any time during the course of the pursuit he loses extended sight of the fleeing vehicle.
7. Only in the case of suspected fleeing felons whose escape poses a danger to life may officers set up a roadblock. The decision to erect a roadblock may only be made by the Chief of Police or in his absence, Deputy Chief or the patrol commander. A decision to erect a roadblock is a decision to use deadly force (the provisions of GO 2-6 apply). The decision to erect a roadblock must consider.
 - A. The safety of officers
 - B. The risk of physical injury to the occupants of the pursued vehicle
 - C. The protection of citizens and their property.

A roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify the dispatcher of its precise location. The department stresses that roadblocks constitute a last resort in stopping a fleeing violent felon.

8. Pursuits shall not proceed beyond the Maryland State line.

9. Officers, when accompanied by civilian passengers, shall not pursue. If a civilian is in the police vehicle at the beginning of a pursuit, that officer will turn the pursuit over to another officer, or deposit the civilian at an appropriate safe location.

10. When the fleeing suspect is apprehended in another Maryland jurisdiction, the pursuing officer shall return the arrested person to Prince George's County. The on-duty supervisor will confer with the other jurisdiction to determine which jurisdiction will maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective commissioner.

11. When the fleeing suspect is apprehended within the County, the officer shall take the arrested person before the commissioner serving Prince George's County.

12. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall use a different siren sound selection.

13. In case of pursuit, should the violator enter a one way street against the flow of traffic, or enter a major highway or interstate freeway by proceeding along an exit ramp, the pursuing officer shall not follow the violator but instead transmit via radio detailed observations about the suspect vehicles' location, speed and direction of travel.

VII. ABANDONING PURSUIT:

This general order has noted the necessity for a pursuing officer to continually evaluate the risks and goal of a pursuit. **(Under some circumstances, abandoning a pursuit may prove the most intelligent decision the officer can make).**

Officers must discontinue pursuit under the following circumstances:

A. If, in the opinion of the pursuing officer or supervisor, the pursuit creates a clear and unreasonable danger to the officers and other motorists or pedestrians that outweighs the need for immediate apprehension.

B. The suspects have been identified and can be apprehended later.

C. The prevailing traffic, roadway, and environmental conditions render pursuit futile.

- D. The pursued vehicle outdistanced the officer, or its location is not known.
- E. The pursuing officer knows or is reasonably certain that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or non-violent felony (the pursuit may stimulate the juvenile to recklessly disregard public safety).
- F. The police vehicle develops mechanical problems or the emergency equipment is not operating properly.

Discontinuing a pursuit does not mean that the officer cannot follow the vehicle at a safe speed, or remain in the area ready to resume the pursuit if the opportunity presents and circumstances warrant. Officers, when pursuing, should resist the temptation to get into the violator's back seat figuratively speaking but instead simply follow the violator and allow him/her to make the driving mistakes. NO OFFICER CAN BE DISCIPLINED FOR DISCONTINUING A PURSUIT.

Officers shall review Maryland Traffic Law regularly concerning civil liability of officers who pursue recklessly.

POLICE DEPARTMENT RULES AND REGULATIONS

SUBJECT: GENERAL RULES OF CONDUCT

NUMBER: 1-2

EFFECTIVE DATE: 12/12/02

REVIEW DATE: 12/12/02

AMENDS/SUPERSEDES: All Pervious

APPROVED: 12/12/02
Chief of Police

CALEA STANDARDS: 1.2,1.1.5,1.3,2.1,11.1,11.2,84.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

Code of Ethics; general duties; obedience to laws; authority; violation of law; conflict of orders; obedience to orders; civil rights; arrests of law enforcement officers; evidence; lost property; false statements; off-duty enforcement; bribes; use of force; deadly force; warning shots; reporting use of force; medical assistance; disciplinary actions; prohibited behavior; general conduct; gifts; grievance; duty; leave; information; public information; public appearances; use of alcohol; use of drugs, property; equipment; uniforms; off-duty employment; reporting arrests; court action; civil cases; memberships; money; resignations; grooming; courtroom appearances.

I. POLICY:

The Morningside Police Department expects its personnel to maintain high standards of appearance and conduct. The public similarly expects such high standards. Police officers wield considerable power over the citizenry, power that is carefully circumscribed by state and federal law, and, ultimately, by the Constitution and Bill of Rights. Our powers to arrest, seize property, and interfere, at times, with the lives of citizens constitute a public trust. We can help insure that we regard this trust as vital by exemplary performance in our jobs. Performance is not enough; we must always conduct ourselves in an exemplary fashion.

II. PURPOSE:

To define departmental expectations for personal behavior on-duty and, to a degree, off-duty.

III. DEFINITIONS:

All officers will display the degree of integrity required by the Law Enforcement Code of Ethics:

"As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality and justice."

"I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of duty."

"I will never act officiously or permit personal feelings, prejudice, animosities, or friendships to influence my decisions with no compromise for crime and with relentless prosecution of criminals. I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities."

"I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession--law enforcement.

IV. GENERAL DUTIES:

A. All officers of the department will, at all times, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, State of Maryland, and all local ordinances, in accordance with the rules, regulations, policies, procedures, and orders of the jurisdiction and the department. Officers will be ever conscious that when they act under "color of law" that the phrase includes not only laws but also policies, procedures, ordinances, common usage, and custom.

B. Obedience To Laws, Ordinances, Rules And Regulations:

1. **DEFINITION** - Employees of the department will obey all federal and state laws. They will also obey all laws and ordinances of The Town of Morningside or other municipality in which the employees may be present. Employees will obey all rules, regulations, directives, and orders as may be issued by the department. The term "employees" includes both sworn and non-sworn personnel.
2. **AUTHORITY** - Employees of the department will obey all lawful orders issued to them by competent authority.
3. **VIOLATION OF LAW** - Supervisory officers of the department will not knowingly or willfully issue any order in violation of any law or ordinance or of any rule, regulation, general or special order of the department.
4. **CONFLICT OF ORDERS** - To permit effective supervision, direction, and control, employees should promptly obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. In the event an employee is given two apparently lawful but different orders that may be in conflict, the last order given should be complied with unless the order is retracted or modified. In the event an employee receives conflicting orders, the employee should inform the person giving the last order of the conflict of orders. That person giving the conflicting order should then resolve the conflict by either retracting, modifying or requesting the employee to comply with the latest order. In the event the conflicting order is not altered or retracted, the employee will not be held responsible for disobedience of the order or directive previously issued.
5. **OBEDIENCE TO ORDERS** - No employee of the department is required to obey any order which is contrary to the laws of the United States, State of Maryland, or ordinances of Morningside however, such refusal to obey is the responsibility of the employee and he will be required to justify his action.
6. **CIVIL RIGHTS** - All members shall take care to observe and respect the civil rights of citizens, as the term "civil rights" is commonly understood.
7. **ARRESTS OF LAW ENFORCEMENT OFFICERS** - An officer who arrests a member of another law enforcement agency shall immediately notify his own supervisor of the fact. Officers must take whatever action is appropriate to the circumstances, including issuance of citations or making an in-custody arrest. That the person cited or arrested is a police officer shall make no differences.

8. **EVIDENCE** - Evidence shall be held in the department's evidence storage locker, the County Police Evidence Section or in the officer's case file as needed. Contraband will be held in the department's evidence storage locker (with the exception of the items sent for analysis or examination) until needed for court. Upon completion of the court case the evidence will be submitted back to the department for disposition. Officers will **NOT** destroy contraband or other evidence on their own.

(A) Officers shall report evidence and contraband obtained during their investigations according to the Department policy.

(B) Officers shall not give away evidence to anyone. Further, officers shall not appropriate any evidence or other property to their own use under any circumstances.

(C) If any citizen refuses to accept returned property that was used as evidence or otherwise acquired by the department, the property shall be destroyed (if perishable) or auctioned, if appropriate, under supervision of the Chief Of Police or Mayor and Town Council.

9. **LOST PROPERTY** - Officers who encounter lost property shall treat such property as evidence, storing it in the department locker, if possible, or otherwise securing the property under guidance of the Chief of Police. Officers shall document the circumstances and describe the property. Officers shall make a reasonable effort to ascertain the owner of the property and return it. Upon releasing property, or obtaining property from a citizen who finds it, officers shall write a receipt.

10. **FALSE STATEMENTS** - On any official matter whatsoever, members shall not knowingly make any false statements or misrepresentations of the facts.

11. **ENFORCEMENT WHILE OFF-DUTY** - If an officer, while off-duty witnesses a violation of the law committed in his presence which, in his professional judgment, demands immediate attention, he may make an arrest, providing:

(A) the law violation was committed in The Town of Morningside or the violation is a felony committed in the State of Maryland and

(B) the officer does not use his own personal vehicle in chase or pursue the violator, but observe all traffic laws applicable to citizens, and

(C) he displays police identification to the violator and announces his purpose, and

(D) he shall take reasonable care to protect the safety of the general public, himself and the violator

12. **BRIBES** - Employees of the department found to have accepted bribes shall be dismissed.

13. **USE OF FORCE - GENERAL** - Officers shall use only the minimum force necessary to accomplish a legitimate law enforcement purpose. Further, officers shall exhaust all reasonable means of apprehension and control within their abilities before resorting to use of deadly force. Further guidelines concerning the use of force are outlined in General Order 2-6.

Violation of the use of force and deadly force orders herein may subject the officer to administrative discipline, criminal prosecution, and or termination.

14. **DEADLY FORCE** - Officers may use deadly force:

(A) To defend themselves or other persons from what the officer perceives as an imminent threat of death or serious injury.

(B) To effect an arrest or prevent an escape when the officer reasonably believes the suspect or escapee has killed or seriously injured another person or poses an imminent threat to kill or otherwise seriously injure another person, and alternate means of arrest have either been tried or would involve a risk of death or serious injury to the officer or others. See General Order 2-6.

15. **WARNING SHOTS** - Warning shots are strictly prohibited.

16. **REPORTING USE OF FORCE** - Officers shall report any use of force to the superior as soon as practicable.

17. **MEDICAL ASSISTANCE** - Officers shall render, or cause to be rendered, medical assistance to any injured person.

C. Disciplinary/Personnel Actions:

1. Disciplinary actions may include a warning, an oral or written reprimand, suspension with or without pay, reduction in pay, demotion or termination.

Personnel actions may include probation, counseling, training, close supervision, performance evaluation, transfer, and termination.

2. As appropriate, disciplinary action may be taken for any of the following reasons:

(A) Incompetent or inefficient performance of duty or inattention to or dereliction of duty.

(B) Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature discrediting or injuring a public service or any act jeopardizing the effective functioning of this department.

(C) Mental or physical unfitness for the position which the employee holds.

(D) Conviction of a felony or misdemeanor involving conduct which shocks the conscience of a reasonable person, or a pattern of misconduct as displayed by a series of convictions of misdemeanors.

(E) Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, or any other form of misconduct or negligence of which the employee has knowledge.

(F) Failure of a supervisory employee to take corrective action regarding employees under their supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known such dereliction.

3. Examples of behavior specifically prohibited include:

(A) Use of alcoholic beverages on-duty, or drunkenness on-duty.

(B) Use of illegal drugs or narcotics.

(C) Buying alcoholic beverages while on-duty.

(D) Releasing any information to a suspect or convicted person that would enable an escape from custody or hamper an investigation.

(E) Selling, trading, buying chances or bets, or any other gambling while on-duty.

(F) Recommending legal counsel or bondsmen to any person.

(G) Publicly criticizing superior officers, the Town council, or any city official.

(H) Use of harsh, profane or obscene language to any member of the department or to the public.

(I) Sleeping on duty.

(J) Sexual activities on duty.

4. Nothing in these rules and regulations limits the charges against employees because the alleged act or omission does not specifically appear in this manual, orders of the department or in the laws or ordinances of which the department is responsible to enforce.

D. General Conduct:

1. Employees of the department will display respect for their superior officers, subordinates and associates. When on-duty and in the presence of the public, superior officers shall be addressed or referred to by rank.

2. Employees of the department will address their subordinates, associates, supervisors or members of the general public courteously, and will not use abusive, violent, insulting or provoking language which could be deemed insulting to any person or group by reason of their racial or ethnic background.

3. Employees of the department will at all times be civil and courteous. They will maintain an even disposition and remain calm, regardless of provocation, in executing their duties.

4. Employees of the department will not gossip or speak rumors detrimental to the department or another employee.

5. Employees of the department will display absolute honesty.

6. Employees of the department will cooperate and coordinate their efforts with other employees to insure maximum effectiveness. This high degree of cooperation and coordination will extend to other law enforcement organizations and government agencies.

7. Employees will restrict personal conversations or personal associations to an appropriate minimum while on duty.

8. An officer will not display cowardice in the line of duty or in any situation where the public or another police officer might be subjected to physical danger. Unless actually incapacitated themselves, officers will aid, assist and protect fellow officers in time of danger or under conditions where danger might reasonably be impending.

9. Employees of the department will not at any time use or attempt to use their official position, badge or credentials for personal or financial gain or advantage.

10. Employees shall adhere to the town personnel policies.

E. Gifts, Gratuities And Rewards:

1. Employees will not solicit any gifts, gratuities, loans or fees where there is an direct or indirect connection between the solicitation and their departmental employment.
2. Employees will not accept either directly or indirectly any gift, gratuity, loan or fee or any other thing of value arising from or offered because of police employment or any activity connected with law enforcement employment.
3. Employees will not accept any gift, gratuity or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of the employee or any other employee in any manner of official business; or which might tend to cast any adverse reflection on the department or any employee thereof.
4. No employee of the department will receive any gift or gratuity from other employees junior in rank without the express permission of the Chief of Police.
5. Employees will not accept any gift, gratuity or reward in money or other considerations for services in line of duty to the community, or to any person, business or agency except lawful salary.

F. Suggestions Or Grievance:

Employees of the department wishing to make suggestions for the improvement of the department, or who feel injured or offended by the treatment, orders or neglect of duty of a superior, may communicate either orally or in writing, through proper channels such suggestion or complaint to the Chief of Police; however, certain matters such as those of a personal or confidential nature may be brought directly to the Chief of Police. If the Chief deems appropriate, he may refer the employee through the chain of command to insure its proper and efficient functioning.

G. Duty:

1. Employees of the department will report for duty at the time and place specified by their assignment or orders and complete the number of hours on duty required by their assignment.
2. Employees of the department, while on duty, will remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.
3. Officers of the department, while on duty, will not engage in any activity or personal business which would cause them to neglect their duty.

4. Officers serve in order to protect lives, preserve the peace, enforce the laws of the town and state, and assist the public in any reasonable request.
5. Officers shall identify themselves to any person requesting an officer's name, rank and badge number.
6. All officers shall maintain a telephone at their home. Officers shall notify the dispatcher of their telephone number, address and any changes thereof.
7. All officers shall, in a timely fashion, complete and submit all forms and reports required by the department and the laws of the State.
8. Officers shall not provide information from computer-based vehicle license checks to citizens.
9. If injured, officers shall promptly notify their supervisor of the injury and the circumstances of it.
10. Officers, while on duty, shall constantly keep the dispatcher informed of their whereabouts. To this end, officers will keep their portable radios charged, turned on and in their immediate possession at all time.
11. Officers shall maintain a professional attitude and manner when communicating by radio. Officers shall communicate in plain language, abiding by FCC requirements and the requirements of the department.
12. Officers shall not loiter at the police office, but shall use the office for professional purposes only. Each officer is responsible for the cleanliness and upkeep of the office.
13. Officers shall not use police vehicles for personal business or transportation of unauthorized persons, except in emergencies. Requests to use police vehicles for personal business shall be made to the Chief of Police. Authorized persons include arrestee, detained juveniles, victims, witnesses and approved citizen ride-alongs.
14. Officers shall clean the interiors of their police vehicles daily. Officers shall have their police vehicles washed no less than once every two weeks.
15. Officers shall keep their financial affairs in good order and under control. Excessive debt may be a cause for disciplinary action.
16. No employee shall use his or her position with the department for personal or monetary gain.

17. Employees are permitted to make long distance telephone calls when necessary for official purposes. Long distance calls made from the police office telephone shall be logged in telephone log book. If the call is personal, the employee will so advise the Chief of Police and the officer will later pay the cost of the call.

18. Officers must carry police identification with them at all times. In addition, while on duty, officers shall carry a valid driver's license.

H. Leave:

1. Employees of the department will not be absent from duty without first obtaining permission from their supervisors.

2. Employees of the department will, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible.

3. Employees must request vacations at least twenty (20) days before they wish to take them.

I. Information:

1. Employees of the department will not communicate to any person not an employee of this department about any information concerning operations, activities or matters of police business, the release of which is prohibited by law or which may have an adverse impact on the department image, operations or administration.

2. Employees of the department will communicate promptly to a supervisor information regarding tips on crimes or criminal activity or other relevant law enforcement information which may come into their possession. After conferring with a supervisor, employee and supervisor will notify the Chief of Police, if appropriate, of the information.

J. Public Appearances:

If an officer receives a request to make a public presentation or appearance, or publish an article concerning his duties, he shall apply for permission to the Chief of Police. The department wishes no interference with the First Amendment rights of officers. The department can and will, however, authorize appearances or writings that represent the agency.

K. Use Of Alcohol:

1. Employees of the department will not drink any alcoholic beverage while on duty. Officers in plain clothes, with the consent of their commanding officer, may drink limited quantities while on duty when necessary to accomplish the police mission.

2. Employees of the department will not appear for regular duty, or be on regular duty, while under the influence of intoxicants to any degree whatsoever or with an odor of intoxicants on their breath.

3. In the event of an emergency recall, each officer must determine fitness for duty if alcohol has been consumed. A supervisor will be consulted and asked to confirm or deny, as appropriate, the officer's judgment in the matter. No adverse actions will be taken if, in an emergency recall, the officer believes himself to be incapacitated for duty, says so, or is told so a supervisor, before actually going on duty.

4. Officers shall not carry weapons when off duty in a situation the officer deem socially inappropriate, particularly where the officer consumes alcoholic beverages.

L. Use Of Drugs:

Employees of the department will not use any narcotic, stimulating or dangerous drug while on duty or off duty unless prescribed by a physician. Employees using any prescribed drug or narcotic or any patent medicines that could possibly induce impairment of their performance will notify their supervisor.

M. Property, Equipment And Uniform:

1. Employees of the department will be responsible for the proper care and the use of department property and equipment assigned to or used by them and will promptly report to their supervisors any loss, damage, destruction or defect therein.

2. Employees of the department will operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator will notify a supervisor immediately. Under no circumstances will an officer investigate his or her own accident. Preferably, a senior officer or officer of higher rank will conduct the investigation. If necessary, an off duty officer will be called out.

3. At the beginning of a tour of duty, employees will examine any vehicle assigned to them and report any operational deficiencies, damage or defects to their supervisors. Failure to report damage or defects will create the presumption that the employee inspected the vehicle and found no damage or defects. The employee, in this case, will be held responsible for the damage.

4. Officers shall keep their uniforms clean and pressed, their shoes and other leather equipment polished and shined, and badges and name plates clean and bright.

5. Employees wearing civilian clothing on duty will present a neat and clean appearance. Employees will wear clothing which is appropriate to the type of duties and citizen contact expected, e.g., coat and tie for men and equivalent skirt, blouse or pants outfit for women are appropriate for business contacts; more informal sports clothing might be appropriate for late hours of work. Civilian dress should not be a source of negative comment from the community.
6. Employees of the department will not temporarily or permanently convert any department property to their own personal use or the use of any other person.
7. When an employee of the department terminates employment, all issued equipment will be returned on the day the termination is effective. Failure to return all items of the Town property will result in withholding final pay or taking legal action.
8. Employees of the department will have as a part of their issued equipment a copy of the rules and regulations manual, and will maintain and make appropriate changes or inserts as directed.
9. Uniform shirts and coats must display the department's patch on the left shoulder. Lieutenant's and above shall wear a white shirt.
10. Uniforms will be worn for all court appearances unless otherwise approved by the Chief of Police.
11. When uniform items are damaged or worn out and needing replacement, officers shall request replacement or repair in writing to the Chief of Police, giving reasons why items were damaged.

N. Part-time Or Off Duty Employment:

Before engaging in any outside employment or business activity, an employee shall submit a request for permit for off duty employment to the Chief of Police for final approval. Off duty employment activities of employees are subject to the following regulations:

1. The employment shall not render the officer unavailable during an emergency, or physically or mentally exhaust the officer to the point that his performance on duty will be affected.
2. Employment shall not in any way conflict with the objectives of the department, impair its reputation, or compromise law enforcement authority.
3. The police uniform shall not be worn nor police equipment used unless so authorized by the Chief of Police.

4. Each employee while engaged in off duty employment shall conduct himself in accordance with department standards, and is under the control of department supervisors.
5. A member or employee, at the discretion of his commanding officer may be called on duty at any time irrespective of his off duty employment.

The decision of the Chief of Police to issue or deny a permit to work outside the department is final and appeal to higher levels will not be considered. Further guidance is found in RR 1-11.

O. Reporting Arrests, Court Action and Civil Cases:

1. Employees of the department will immediately report to their supervisor any arrests or court action, except divorce proceedings instituted against them.
2. Any employee of the department who becomes involved in any accident, incident, or altercation, or any problem which may come to the public attention will give oral notification as soon as possible, and within twenty-four hours in writing, to his supervisor. Supervisors will forward relevant information through the chain of command as rapidly as possible.
3. Employees shall keep all complaints, arrests information or other official business confidential. Employees shall not indulge in gossip about departmental business.
4. Employees shall avoid involvement in any civil disputes involving neighbors or acquaintances. Further, officers shall not remove children from parental custody or property from citizens without court order.

P. Memberships:

No member of the department shall be a member of any organization which advocates the violent overthrow of the government of the United States, the State of Maryland or any unit of local government, or participate in any organization which has a purpose, aim, objective or any practices which are contrary to the obligations of a law enforcement officer under these rules and regulations.

Q. Money expenditures:

1. There will be no expenditures of money or financial obligations incurred in the name of the department by any employee without permission from the Chief of Police.
2. No employee shall imply or accept financial liability for loss or damage on behalf of the town. Any inquiries concerning financial liability will be referred to the town attorney or Mayor and Town Council.

R. Resignations:

An employee must provide at least two weeks written notice of his/her intent to resign.

S. Grooming:

Employees shall maintain a smart, conservative, well-groomed appearance. Men's hair must be neatly combed and styled. Sideburns may extend to the base of the ear, and hair in the back of the head must not extend below the base of the collar. Neatly trimmed mustaches are permitted provided they do not obscure the upper lip nor extend more than one-half inch beyond the corner of the mouth. Goatees, handlebar mustaches and beards are not permitted. Women may not wear very long hair. If longer than a man's hair, women's hair must be arranged in such a way that hats can be worn easily.

T. Courtroom Appearances:

All employees will treat courtroom appearances with the utmost importance. Further, as a rule employees must arrive at the court early enough to check the docket, if necessary, and confer with the prosecutor. Employees shall observe the following rules:

1. If any employee receives subpoenas requiring appearance in different courts at the same time, he/she shall sign in on both courtroom logs and advise the court clerk, if one of the subpoenas was issued by a circuit or higher court, it shall receive precedence over one issued by a district court.
2. A subpoena receives precedence over an order issued by a supervisor. In any event, the employee must notify his/her supervisor of the court appearance.
3. If on duty, sworn employees will appear in court in uniform or suitable civilian clothing is so assigned. If off duty, all employees may appear suitably attired in civilian clothes. Civilian attire means a tie for men, with a sport jacket or suit if the weather is not too warm and equivalent clothing for women.
4. When testifying, employees will remain attentive, face the jury when giving testimony, and speak in a clear, audible tone. Employees will respond to questions asked by the judge or attorneys and will not argue, interject or offer an emotionally charged response to any remark or question.
5. Each member shall be familiar with the laws of evidence and will testify truthfully on any matter.

U. Court Time Pay:

1. Any officer that attends court on their own time, will be compensated a maximum of 3 hours at time and one half rate. If an officer has more than one court appearance in another court the same day he will receive 3 additional hours. A court slip signed by the court shall be required for the officer to be compensated.
2. Any officer that leaves the department will still be responsible for his/her court dates. That officer will be compensated for their attendance at their last hourly rate when they left the department and only for the time they attended. The department will only compensate from one (1) year from the date they left the department.
3. If after one (1) year, the officer still has court obligations, the officer may send a request to the Chief of Police. The request shall state the court date/time, court docket number and the defendant's name, as well as request for payment. The officer will be notified within 10 working days of the approval or disapproval of the request.