



## ROLE AND AUTHORITY

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### **I. Purpose**

The purpose of this Written Directive is to establish the basic role and authority of the University of Maryland, Baltimore Police Force (UMBPF) and to establish guidelines for the creation of goals and objectives and the limits of police authority.

### **II. Policy**

It is the policy of the UMBPF to adhere to the guidelines established herein for all members as they are outlined in this Written Directive.

### **III. Establishing Goals and Objectives**

#### **A. Utilization**

The UMBPF actively develops and utilizes goals and objectives as an integral part of its management function.

#### **B. Duties and Responsibilities**

##### **1. Chief of Police**

Goals for the organization are established annually and submitted to the Chief of Police.

##### **2. Deputy Chief**

The Deputy Chief will ensure that goals and objectives are established for each of the major components of the agency to include Operations, Support Services and Professional Standards Bureaus.

#### **C. Sharing Agency Goals**

When agency goals and objectives are finalized through the process as outlined above, they will be shared with all personnel.

#### **D. Goal Summaries Required**

Quarterly, the Deputy Chief, Support Services Commander, Professional Standards Commander and Operations Commander will submit a summary of the progress towards the attainment of goals and objectives to the Chief of Police.

**E. Multi-Year Plan**

The UMBPF has established a multi-year plan. The Plan includes long term goals and operational objectives, anticipated workload and population trends, anticipated personnel levels, anticipated capital improvements and equipment needs. It also includes provisions for review and revision as needed.

**IV. Oath of Office and Code of Ethics**

**A. Oath of Office**

Specified members, prior to assuming sworn status, will take and subsequently abide by an Oath of Office. They shall swear or affirm to enforce the laws of the local, state and federal governments, to uphold the Constitution of the United States of America, the Maryland Constitution, and to follow the orders and directions of those appointed to supervise the members within the UMBPF.

**B. Code of Ethics**

1. In order to enhance our professional image, all members are required to abide by a code of ethics. The code mirrors the applicable Maryland Annotated Code. Training or information on ethics related issues will be provided to all members biennially on the Code of Ethics (see WD 1.14, Code of Ethics).
2. The UMBPF has also adopted the Law Enforcement Officer Code of Ethics as published by the International Association of Chiefs of Police for sworn agency members (see WD 1.14A, Law Enforcement Officer Code of Ethics).

**V. Limits of Authority**

**A. Constitutional Safeguards**

The United States Constitution guarantees every citizen certain safeguards from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. These safeguards have placed limitations on the authority of police to enforce the laws of nation, state and city.

**B. Police Authority to Enforce Laws**

1. Article 13 Section 601 of the annotated Code of Maryland authorizes the University of Maryland, Baltimore to maintain a police force.
2. Members of the UMBPF shall at all times faithfully uphold and defend the Constitution of the United States and the State of Maryland, enforce the rules, regulations and policies of the UMB, enforce laws and ordinances of the City of Baltimore and the laws of the State of Maryland relating to crimes committed within the jurisdiction of the University of Maryland, Baltimore.

3. Police Officers are issued and may carry firearms consistent with law, the Written Directives of the UMBPF, and the requirements of COMAR.

C. Limits on Police Authority

1. Limitations on police authority are derived from federal, state and local statutes, judicial interpretation of laws, opinions of the Attorney General and States Attorney, UMBPF policies and rules and regulations and University System of Maryland Board of Regents administrative decisions.
2. Courts constantly interpret laws that place limitations on the authority of the police and include Miranda rights and warnings, rulings on search and seizure, eyewitness identification, lineups, etc.

D. The Fifth Amendment

Police officers are often in doubt as to when or if they should advise an individual of their Miranda Rights. While Miranda deals with in-custody interrogation, the question of when “custody” applies arises. *Escobedo vs. Illinois* requires the giving of Miranda Warnings when the investigation focuses on a suspect or suspects and the interrogation reaches the accusatory stage. Since these two cases (*Miranda vs. Arizona* and *Escobedo vs. Illinois*) seem to contradict each other, a proper guideline for police officers to follow would be to advise suspects of their Miranda rights in all felony and misdemeanor cases (including DUI, major traffic incidents, etc.) where the arrestee or defendant will be questioned.

E. Achieving Uniformity

In order to achieve uniformity and ensure that arrestees receive their Miranda Warnings and/or waivers, police officers will read the warnings aloud when advising individuals of their rights. The individual will initial in the appropriate places on the form. If the individual cannot read and/or write, the officer will read the form aloud and place their initials in the appropriate place. The officer will indicate on the form that the person questioned could not read and write.

F. Miranda Rights

1. You have the right to remain silent.
2. Anything you say or write can and will be used against you in a court of law.
3. You have the right to talk with a lawyer at any time, before any questioning, before answering any questions, or during any questioning.
4. If you want a lawyer and cannot afford to hire one, you will not be asked any questions and the court will be requested to appoint a lawyer for you.
5. If you agree to answer questions, you may stop at any time and request a lawyer, and no further questions will be asked of you.

G. Waiver of Rights

1. After the warning, and in order to secure a waiver, the following questions shall be asked and an affirmative reply secured to each question:
  - a. Do you understand each of these rights I have explained to you;
  - b. Having these rights in mind, do you wish to talk to us/me now; and
  - c. Do you wish to answer questions without a lawyer present?
2. After the above rights have been read and understood and the arrestee wishes to waive them, the officer will have the arrestee sign the appropriate section of **Appendix 6.30.3, Explanation and Waiver of Rights Form.**
3. If the individual does not waive their rights, they will not be questioned until such time as they have consulted an attorney.
4. If during questioning an arrestee invokes their right to counsel, the investigator will terminate the interrogation until counsel can be obtained. If the individual is incarcerated, requests to speak to an officer and has previously invoked their right to counsel, the arrestee will be provided with counsel and they will be present during the questioning.

H. Police Limitations on Search & Seizure

1. The Fourth Amendment guarantees the right of freedom from unreasonable searches and seizures and includes their home, person and things.
2. Illegally seized items of evidence will not be admitted in court and may be cause for the loss of criminal cases. An illegally conducted search also invites civil suits under the Civil Rights Act.
3. In order to ensure that Fourth Amendment rights are protected, police officers will obtain search warrants in all appropriate criminal cases except the following:
  - a. Consent Searches – The consent must be voluntarily given by someone who has the authority to relinquish their right;
  - b. Emergency to save life or property - an emergency must exist with the primary motive being to protect people or property and the area searched must be associated with the emergency;
  - c. Plain View - the officer must be in a place where he has the legal right to be in order to discover evidence, seize fruits of a crime and instrumentalities and/or contraband. Any discovery must be inadvertent, and the property must be recognized as fruit, instrumentalities, evidence of a crime or contraband;

- d. Abandoned Property;
  - e. Vehicle Inventory Search;
  - f. Incidental to an Arrest – only the area within the immediate control of the person may be searched;
  - g. Exigent Circumstances - emergency search to prevent the destruction/loss of evidence; and
  - h. Hot Pursuit.
- I. Eyewitness Identification
- 1. Eyewitness identifications generally do not provide reliable evidence during criminal investigations. Consequently, the United States Supreme Court has addressed this issue in numerous cases and set forth guidelines to be followed when eyewitness identifications are solicited by police.
  - 2. Eyewitness identifications may take the form of a Show-up or One-on-One. It may also be a photographic line-up, photographic book identifications or composite images. Detailed information is found in **WD 6.46, Eyewitness Identifications**.
- J. Local Courts
- Local courts may limit police authority to enforce state statutes and local ordinances. These limitations may include the enforcement of certain parking ordinances, the handling of juvenile offenders and issuance of summonses as opposed to arrests and incarcerations. The courts may also apply restrictions relating to animal control ordinances.
- K. States Attorney
- The State's Attorney may issue opinions to the UMBPF that may impose limitations. These areas include the prosecution of certain cases, extradition and enforcement of certain statutes pending opinions from the Attorney General's Office.
- L. Changes in Law
- Periodic changes take place that may impose limitations on police authority or remove or alter existing limitations. Normally, annual updates on such changes are provided to the UMBPF by the State's Attorney's Office. If immediate changes are required, such information may be received orally and confirmed in writing at a later date.
- M. Background Investigations
- Background investigations may be conducted on individuals suspected of criminal activity, certain business license applicants, and pre-employment candidates.
- 1. Any lawful information source may be explored during a background investigation. Such sources may include non-criminal fingerprinting activities for citizens as authorized by

law and as a component of the University's new employee background screening process, other law enforcement agencies and information systems, credit bureaus, informants, business and personal contacts, and various official records repositories.

2. Information obtained in a background investigation for criminal investigation purposes will be controlled, safeguarded and, if printed, disposed of in accordance with legal requirements.

N. Administrative Investigations

1. The Department may be periodically required to conduct certain administrative, non-criminal investigations that do not have any immediately known criminal law implications or are not related to internal misconduct investigations.
2. Administrative investigations may include, but are not limited to:
  - a. Suspected violations of various university administrative policies; and
  - b. Certain inquiries consistent with behavioral evaluation and threat assessment.
3. Exact administrative investigation duties and responsibilities vary according to the incidents being investigated. In all cases, the officer needs to clarify and establish the investigative goal.
4. As information is obtained, it is to be organized and retained with the reports and findings should the need arise for it to be reviewed by appropriate administrative authorities.
5. General administrative investigation duties and responsibilities may include:
  - a. Reviewing and analyzing records, documentation and related materials;
  - b. Identifying and setting up interviews of possible witnesses and others who may have knowledge of the incident being investigate (during these and follow up interviews, additional information and clarification should be sought);
  - c. Ensuring findings are supported by substantial evidence in the record;
  - d. Adhering to any applicable administrative due process requirements; and
  - e. Being alert to investigations that develop information indicating or leading to criminal activities to ensure:
    - (1) Criminal investigation due process procedures are followed as appropriate; and

(2) The Office of the State's Attorney or other prosecutorial authority is consulted as necessary.

O. Compliance with Constitutional Requirements during Criminal Investigations

1. When conducting criminal investigations, all officers will take precautions necessary to ensure that all persons involved are afforded their constitutional safeguards. Police officers will ensure that all statements or confessions are of a voluntary nature and no coercion whatsoever is used.
2. All arrestees and/or suspects shall be advised of their rights and those accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney. Prejudicial pre-trial publicity of the accused shall be avoided so as not to interfere with the defendant's right to a fair and impartial trial.

P. Alternatives to Arrest

1. Under certain circumstances police officers are faced with situations where an arrest will not present an adequate solution to the problem. When these situations arise, officers may elect to exercise certain alternatives such as the issuance of summonses, referral to social services agencies, or simply warnings. Examples may include:
  - a. Persons with suspected mental health issues;
  - b. Juvenile offenders; and
  - c. Transient persons who need shelter, food, etc.
2. The use of a warning may sometimes provide a satisfactory solution to a problem and may enhance the public perception of the UMBPF. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to minor criminal offenses. In determining if a warning should be issued the officer should consider:
  - a. The seriousness of the offense;
  - b. The likelihood that the person is a repeat offender; and
  - c. The likelihood that the person has received a previous warning.

Q. Informal Handling of Criminal Matters

Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When, in the judgment of the officer, a better solution to the problem will be achieved by the use of alternatives to enforcement actions; social service agencies should be utilized.

R. Intelligence Activities

1. Intelligence gathering activities will be limited to that information concerning criminal conduct that relates to activities that present a threat to the University of Maryland, Baltimore campus community.
2. UMBPF personnel and equipment will only be used in conjunction with intelligence gathering activities in full compliance with all laws and only with the advance approval of a lieutenant or above.

S. Use of Discretion

1. Police Officers, by the nature of their job, are required to exercise discretion in the performance of their duties. The UMBPF provides officers with Written Directives, procedures and training in order to aid them in making decisions which govern discretion in performing their duties.
2. UMBPF rules and regulations provide guidelines for officers to consider in exercising their discretion. The individual officer should make appropriate discretionary decisions based on knowledge, training and good judgment. Officers should also consider the impact on broader community perspectives, safety and order. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors and alternatives that may be appropriate.

**Written Directive System Impact**

Upon approval and publication, this edition of WD 1.10 supersedes all previous editions.

Martinez Quteaz Davenport, Sr., MS  
Interim Chief of Police

CALEA Standard: 1.1.1; 1.1.2; 1.2.1;1.2.2; 1.2.3; 1.2.6; 1.2.7; 15.2.1; 15.2.2; 91.1.3