

## Department-Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

The policy addresses the care of department-owned property and the role of the department when personal property, the property of another or department-owned property is damaged or lost.

### 700.2 POLICY

Members of the University of Maryland, Baltimore Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties may be reimbursed in accordance with this policy at the discretion of the Chief of Police.

### 700.3 DEPARTMENT PROPERTY

All property and equipment issued by the department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the department, all issued property and equipment must be returned and members will be held financially responsible for property not returned to the department. Documentation of the return shall be acknowledged by the signature of a supervisor and member except in extenuating circumstances.

#### 700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them.

Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Members shall promptly report via memorandum or Form 95, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
  - 1. A supervisor receiving such a report shall conduct an investigation and direct a memo through the chain of command to the appropriate Bureau Commander/Director, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.
  - 2. A review by command staff should determine whether additional action is appropriate.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was

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assigned. Use should be limited to official purposes and in the capacity for which it was designed.

- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

**700.4 PERSONAL PROPERTY**

Carrying and/or using personal property or equipment while on-duty, including personally owned vehicles, requires prior written approval by the Chief of Police or authorized designee. The member shall submit a request that includes a description of the property, and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

Personal property owned by an employee is not covered by the State's self-insurance program. Therefore, the member bears the loss or damage of their personal property. In extenuating circumstances, the Chief of Police may authorize the reimbursement of damaged or loss personal property. If the Chief of Police authorizes the reimbursement, the funding must come from the Department's budget.

**700.4.1 FILING CLAIMS FOR PERSONAL PROPERTY**

Claims for reimbursement for damage to, or loss of, personal property must be made on the proper form (e.g. Form 95, memorandum). The claim will be submitted to the member's immediate supervisor.

The supervisor receiving such a report shall investigate and direct a memo through the chain of command to the appropriate Bureau Commander/Director, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by command staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police. The Chief of Police will determine if the member shall or shall not be reimbursed for the lost or damaged personal item.

**700.5 DAMAGE TO PROPERTY OF ANOTHER**

Members who unintentionally damage or cause to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage through their chain of command.

The supervisor receiving such a report shall conduct an investigation and direct a memo through the chain of command to the appropriate Bureau Commander/Director, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

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A review of the incident by command staff to determine whether misconduct or negligence was involved shall be completed and submitted through the chain of command to the Chief of Police.

Damage to the property of another caused by a member while performing their official duties is covered by the State's tort liability. The party suffering the damage has the right to file a claim with the Maryland State Treasurer's Office. The party suffering the damage shall follow the steps outlined on the UMB EHS website under General Liability <https://www.umaryland.edu/ehs/risk-management-and-workers-compensation/liability/general-liability/> and the Maryland Tort Claims Act <https://www.umaryland.edu/ehs/risk-management-and-workers-compensation/liability/maryland-tort-claims-act/>.

#### 700.5.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may unintentionally cause damage or cause to be damaged the real or personal property of the department or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The supervisor receiving such a report shall conduct an investigation and direct a memo through the chain of command to the appropriate Bureau Commander/Director, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.