

<b>THURMONT POLICE DEPARTMENT</b>			
<b>GENERAL ORDER</b>	Date Issued: March 23, 2007	Effective Date: March 23, 2007	Order No: <b>Chapter 14.1</b>
Authority: Chief of Police Gregory L. Eyler			Manual Page No:
Subject: Records Administration			Replaces Page No:
CALEA Standard: 82.1	Distribution: <b>ALL</b>	Amends:	Number of Pages: 28
Related Documents: Records Retention Schedule			Rescinds:

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

**I. PURPOSE:**

To establish policy regarding the writing, approval, retention, dissemination and maintenance of all Thurmont Police Department records.

**II. POLICY:**

It shall be the policy of the Thurmont Police Department to utilize the following standards set forth in order to foster the accomplishment of the Department's mission in an accurate, efficient, and timely manner.

**III. DEFINITIONS:**

Incorporated in Procedures.

**IV. PROCEDURE:**

**A. Records Component**

The Records Section, a component of the Thurmont Police Department, is responsible for the maintenance and security of the central records function of the Department.

**B. Records Section Function**

The functional responsibilities assigned to the Records Section include report review, report control, records maintenance, records retrieval, and records security.

1. Report Review

The Records Section is the final reviewer of all reports prior to being entered into the in-house computer system. Records personnel will ensure that all necessary information is documented, that the report classification is correct and that all the proper paperwork has been turned into Records.

2. Report Control

The Records Section is responsible for controlling the availability, accessibility, security, distribution, and confidentiality of all reports and records.

3. Records Maintenance

The Records Section is responsible for the maintenance of all reports and records, to include the retention of reports, the integrity of the in-house computer system, separating reports into case files and identification files, separating adult and juvenile files, filing, updating the status of reports, tracking follow-up reports, and storage.

4. Records Retrieval

The Records Section is responsible for the retrieval of reports and records to include records checks, records inquiries, validations, expungements, making copies of case files for court, and retrieval of statistics.

**C. Documentation of Police Actions**

1. Official records will be prepared and maintained to document every reported police activity, whether originated by a citizen or a Department member, for the following categories of incidents, if they were alleged to have occurred in Thurmont, Maryland:

- a. Citizen reports of crimes
- b. Citizen complaints
- c. Citizen requests for services of the Department when:
  - i. An officer is dispatched

- ii. An officer is assigned to investigate
  - iii. An officer is assigned to take action at a later time
  - d. Criminal and non-criminal cases initiated by agency personnel
  - e. Incidents involving arrests, citations or summonses
2. This documentation of police activity may be in the form of a completed field report, citation, radio complaint card or assist card.
  3. If two or more persons report the same incident, only one case report is required to be taken.
  4. If two or more officers are assigned to the same incident, one officer will be assigned to be the reporting officer to document the incident. The other officers will provide supplements referring to the reporting officer's original case number to document their actions.

#### **D. Specific Information for Documenting Police Action**

1. All reports and records maintained to document police activity will contain, at a minimum, the following information:
  - a. Date and time of initial reporting.
  - b. Name, if available, of citizen requesting the service, or victim's, or complainant's name.
  - c. Nature of the incident.
  - d. Nature, date and time of action taken, if any, by law enforcement personnel.
2. In situations where a request for service is made through Dispatch and the caller refuses to be identified, the radio complaint card should indicate under the complainant's name "refused" or "anonymous."

#### **E. Field Report Forms**

1. Members of the Thurmont Police Department will use the appropriate report form(s) as indicated by the nature of the incident being reported. The importance of having a well-written and complete report cannot be

overemphasized. The police record system depends on the work product of the officer in the field. Forms generally used in field reporting include:

- a. Incident Report
- b. Supplemental/Follow-Up Report
- c. Arrest Report
- d. Frederick County Domestic Violence Report
- e. Collision Report
- f. Missing Person Report
- g. Vehicle Storage Report
- h. Property Held Form
- i. Alcohol Influence Report
- j. Field Interrogation Report

2. Procedures to be followed in Completing Field Reports

- a. Incident Report
  - i. All complaints of a criminal nature received by the Department which occur within the corporate limits of Thurmont will be recorded on an incident report form.
  - ii. Incident reports will be made on criminal acts which are brought to the attention of an officer and occur within the town, even when the complainant does not wish to file charges or have a report made.
  - iii. Incident reports will be made when a person is arrested for any criminal act occurring within the town.
  - iv. Fatal collisions will be recorded on an incident report only if a person is charged criminally with vehicular homicide or aggravated vehicular homicide. This will be done after a collision report and collision reconstruction have been completed and it has been determined that criminal charges will be filed.

- v. Incident report forms will also be used for information of a noncriminal nature. Record all applicable information on the incident report and list all persons involved in the appropriate location on the form.
  - vi. Noncriminal incidents that require an incident report are: suicides, attempted suicides and death investigations. Incident reports will be taken on these noncriminal matters when brought to the attention of an officer, even when the complainant may not wish a report to be made.
  - vii. All incidents requiring a written report will be completed prior to the end of the member's shift. Exceptions may be granted on a case by case basis by the member's immediate supervisor. If an exception is granted, the preliminary report must be completed and submitted to the immediate supervisor prior to the end of their shift on the following day. Exceptions may not be granted when the member does not work the following day.
  - viii. Officers will include a case status recommendation at the end of every report.
- b. Supplemental Report
- i. A supplemental report will be submitted by the investigating officer only when it is necessary to explain, expand, or continue with information from the incident report, or to record important information not contained in the incident report.
  - ii. A supplemental report will also be used for the narrative part of the noncriminal and criminal complaint. It is important that all elements of a complete report are present. The noncriminal complaint may have information that could be helpful in a future criminal investigation or in handling future calls at a particular location.
  - iii. Assisting officers will also complete supplemental reports when the assisting officer has taken any action that is directly relevant to the incident or arrest.
  - iv. Supplemental reports will be completed by any officer who has additional information which may assist the investigating officer.
  - v. An Arrest/Intake Report is to be filed whenever any person is taken into physical custody by any Thurmont officer, and they are

not processed through Central Booking. This includes persons arrested on warrants held by other agencies and immediately released to that agency. In addition, an Arrest/Intake Report will be used on all persons taken into custody at the order of a trial judge and on all persons served a criminal summons.

- c. Frederick County Domestic Violence Report
  - i. To facilitate the reporting process, officers must complete a Frederick County Domestic Violence Report. This report will be used in lieu of an Incident Report for documentation.
  - ii. For reporting purposes, Domestic Violence is defined as an incident where an individual has received deliberate physical injury or is in fear of imminent deliberate physical injury from a current or former spouse or a current or former cohabitant to include homosexual relationships.
  - iii. The report is short and self-explanatory; if additional information or additional narrative needs to be captured, a supplemental report will be used.
  - iv. In the event an arrest is made, the Frederick County Domestic Violence Report shall accompany the normal paperwork associated with the arrest.
- d. Miscellaneous Reports - other reports are to be used by officers to report specialized situations.
  - i. Collision Report (MSP Form #1) - to be completed by officers conducting a collision investigation. Guidelines set forth in the Maryland Automated Accident Reporting System (MAARS) Instruction and Reference Manual will be used to complete this form.
  - ii. Missing Person Report (MSP Form #79) - to be completed by officers conducting a missing person investigation. Refer to the back of the first copy of the Missing Person Report form for specific instructions on completing the form.
  - iii. Vehicle Storage Report - to be completed by an officer when a vehicle is taken into the Thurmont Police Department's custody for safe keeping, evidence, forfeiture, or is recovered after being stolen or abandoned. A Vehicle Storage Report must also be completed

if the vehicle owner/operator is impaired, incapacitated, or not present when the vehicle is towed.

- iv. Property Held Form - to be completed by officers to report property taken into custody.
- v. Alcohol Influence Report (DPSCS-MSP #32) - to be completed by an officer when a person is arrested and the use of alcohol is involved.
- vi. Field Interrogation Report - to be completed at the discretion of an officer to document an officer-citizen contact.
- vii. Alcohol Influence Report (DPSCS-MSP #32) - to be completed by an officer when a person is arrested and the use of alcohol is involved.
- viii. Field Interrogation Report - to be completed at the discretion of an officer to document an officer-citizen contact.

### 3. Detailed Reports

- a. Detailed reports are letters that are typed, printed, or written for formal communication within the Thurmont Police Department.
- b. All detailed reports are to be addressed to the Chief of Police and are to be submitted up the normal chain of command unless directed otherwise by another general order.
- c. Patrol officers and civilian members will submit all detailed reports to their immediate supervisor, who will attach their comments and submit them up the chain of command. Each level of command will review the report and submit their comments and recommendations to their immediate superior.
- d. When any superior officer in the chain of command initials a report, it will be assumed they are in concurrence with the contents of the report unless they attach an endorsement to the contrary. Under normal circumstances, special reports should not be delayed more than five days before reaching the Chief of Police.
- e. After reviewing the report and all attached comments and recommendations, the Chief of Police will make a decision, if one is necessary, and send back down the same chain of command a written

reply or convey information, decisions or instructions which, if appropriate, would be within thirty days after the date of receipt.

- f. At no time will a supervisory, administrative, or executive officer stop a communication or detailed report from proceeding through the entire chain of command.
- g. Any report of a confidential nature which concerns a member's superior officer will be addressed to the Chief of Police and submitted directly to the proper command officer next in the chain of command above the supervisor of concern. The report will then follow the normal chain of command.
- h. Detailed reports originating at the command level will proceed up the chain of command to the Chief of Police in the same manner.

#### **F. Report Numbering**

- 1. All incidents of service will be documented by opening a card with Central Dispatch. A computer generated unique incident number is automatically assigned to each incident by Central Dispatch. The numbering system is based on the current year and a consecutive numerical sequence. The CAD (Computer Aided Dispatch) computer does not allow incident numbers to be duplicated or omitted. Incidents of service include, but are not limited to, traffic collisions, criminal investigations, arrests, field interview reports, missing person investigations, domestic violence incidents, alcohol influence investigations, found property, and any other incident which requires written documentation.
- 2. All written reports, including traffic citations and telephone reports, are required to have the assigned incident number from Central Dispatch noted on the report.

#### **G. Supervisory Review of Reports**

- 1. Every written report submitted by an employee will be reviewed for completeness and accuracy by the on duty supervisor. This includes both initial and supplementary reports.
- 2. The supervisor will check the report for neatness, legibility, completeness, and accuracy. Reports not approved will be returned to the writer for necessary corrections.



3. Upon approval, indicated by the supervisor's signature and I.D. number, the original report will be forwarded to the Records Supervisor.
4. An additional review of the report will be made by the Records Supervisor. Upon approval, the Records Supervisor will make the following determinations and respective notations on the report:
  - a. On an original report, determine the incident offense classification, the respective incident type and offense code.
  - b. Determine the case disposition.
  - c. If the case disposition is an open investigation, determine whether to assign the case to an investigator or return it to the reporting officer for follow up.
  - d. Determine the supplement due date.
5. The Records Supervisor will handle all approved reports for proper distribution, data entry into the in-house computer system, and proper filing.

#### **H. Distribution & Release of Reports**

1. The Records Section is responsible for the distribution and release of all reports. The distribution of all reports must be well documented.
2. Upon receipt of incident reports, Records Section personnel will make the following in-house distribution of the reports:
  - a. Forward a copy of the report to the reporting officer.
  - b. If the case has been assigned to someone different than the reporting officer, forward a copy of the report to the officer assigned the follow-up.
  - c. The original copy of the report will be used for data entry into the in-house computer system prior to filing.
3. The Records Section will distribute reports to other state and county agencies as follows:
  - a. State's Attorney's Office

- i. Copies of all paperwork on each incident for any person arrested, adult or juvenile, will be sent to the State's Attorney's Office. The case file will be listed on the transmittal sheet sent to the State's Attorney's Office with the date it was sent.
    - ii. Copies of all reports that have a juvenile referral attached will be forwarded to the State's Attorney's Office.
  - b. Department of Juvenile Justice
    - i. Copies of all paperwork on each incident for any juvenile arrested will be sent to the Department of Juvenile Justice.
    - ii. Copies of all reports that have a juvenile referral attached will be forwarded to the Department of Juvenile Justice.
    - iii. Whenever a report or case file is sent to Juvenile Justice it will be listed on the Department of Juvenile Justice transmittal sheet with the date it was sent.
  - c. Copies of all traffic collision reports, if a police vehicle is involved, will be sent in detailed report format up the chain of command ultimately to the Office of the Chief.
  - d. The MSP copy of all collisions will be forwarded to the Maryland State Police Central Accident Repository Division.
  - e. The yellow copy of the Missing Person's Report will be forwarded to the Maryland Center for Missing Children.
  - f. Copies of all reports of alleged or verified incidents of child abuse or neglect *will be forwarded to Child Protective Services. The report or case file will be stamped that it was sent to Child Protective Services and the date it was sent.*
  - g. If the reporting officer requests a copy of the report be sent to another law enforcement related agency, a copy of the report will be sent to the appropriate agency.
4. Release of Records
  - a. Juvenile Records

A juvenile record is confidential and will not be released to anyone other than law enforcement agencies and the Department of Juvenile

Justice. Records will not be released by subpoena. According to Maryland law, Courts and Judicial Proceedings, Section 3-828, juvenile records can only be released by order of the court upon good cause shown.

- b. No reports are to be released or faxed to anyone without approval. A copy of any report that is released to anyone for any reason besides those outlined above will be documented by attaching the documentation to the report showing to whom and when the report was sent. This includes releasing copies of reports internally for an investigation, to another law enforcement agency or to the public. Documentation will be in the form of at least one of the following:

- i. A copy of the faxed cover sheet.
- ii. A letter of request for the report which includes the requestor's name. If the requestor is an insurance company or an attorney, the name of whom they are representing.
- iii. A Records Disbursement form.

- c. Requests for reports by other law enforcement agencies

Reports can be released to other law enforcement agencies once a supervisor has approved that the report is ready to be released. This includes sending reports to the Department of Juvenile Justice.

- d. Requests for Reports by the Public

- i. A processing fee will be charged to compile all reports that are released to the public. The fee is required to be paid before the release of the report.
- ii. Collision Reports can be released to the persons involved and insurance companies.
- iii. A copy of an incident report may be furnished to an insurance company having direct involvement after appropriate review and removal of restricted information. Generally, a face sheet and property report should be sufficient for the informational needs of an insurance company.
- iv. A victim of domestic violence may obtain a copy of their respective FCDV report at no charge.

v. No Incident Reports are to be released to the general public without the direct authorization of the Administrative Assistant or command staff. The release of a report will be determined in accordance with state laws, Annotated Code of Maryland, State Government, Sections 10-611 through 10-642.

vi. Requests which shall be denied:

In order to comply with Maryland state law, the following requests **will be denied**;

- (1) requests for documents, which are deemed privileged or confidential by state or federal law or by court order;
- (2) requests for police reports of traffic accidents if requested by an attorney (or attorney's agent) who is not an attorney of record for a person named in the record;
- (3) requests for criminal charging documents prior to service on the defendant if requested by an attorney (or attorney's agent) who is not an attorney of record for a person named in the record;
- (4) requests for traffic citations filed in the Maryland Automated Traffic System if requested by an attorney (or attorney's agent) who is not an attorney of record for a person named in the record;
- (5) requests for Motor Vehicle Administration records containing personal information;
- (6) requests for home addresses and/or telephone numbers of Town employees. **Exception:** unless the employee gives permission for the release of information, or the Chief of Police determines that it would be in the public interest to grant the request; and,
- (7) requests for juvenile arrest records unless the applicant:
  - is an authorized representative of the Department of Juvenile Justice;
  - is an authorized representative of a law enforcement agency investigating or prosecuting the juvenile who is the subject of the arrest record;

- is an authorized representative of an educational facility as provided in 7-303 of the Education Article; or
- obtains a court order authorizing the release of the record.

vii. Special Rules for Arrest Warrant Information

The following rules apply to records pertaining to arrest warrants and comply with Section 10-616(q) of the Act:

(1) The following requested information will be denied:

- requests for arrest warrants or charging documents if the warrant has not been served and the return of service has not been returned or if 90 days has not passed since the arrest warrant was issued;
- requests for arrest warrants or charging documents which are the result of a grand jury indictment or a conspiracy investigation if the request is made prior to service on all co-conspirators and prior to return of all services have been filed; and,
- requests for arrest warrants or charging documents which are sealed by the court pursuant to Maryland Rule 4-20(d).

(2) The following requests may be granted:

- The name, address, birth date, driver's license, sex, height, and weight of an individual contained in an arrest warrant may be release to the Motor Vehicle Administration.
  - (a) Information contained in a charging document that identifies an individual other than that information specifically listed above **may not** be released to the Motor Vehicle Administration.
- Statistical information concerning unserved arrest warrants can be released.

(3) Files and records of a court, pertaining to an unserved arrest warrant and the charging document upon which the arrest warrant was issued may be inspected by the following:

- a judicial officer;
- authorized court personnel;
- a State's Attorney;
- a peace officer
- a correctional officer who is authorized by law to serve an arrest warrant;
- a bail bondsman who executed a bail bond for the subject of the arrest warrant;
- an attorney authorized by the subject of the arrest warrant;
- the Department of Public Safety and Correctional Services or the Department of Juvenile Justice for the purpose of notification of a victim; or,
- a federal, state, or local criminal justice agency.

viii. Requests which may be denied:

- (1) The Custodian may deny inspection of the following public records if the Custodian believes that such inspection would be contrary to the public interest and if the request for inspection comes from someone other than the person in interest.
  - interagency or intra-agency letters of memorandum that would not be available by law to a private party in litigation with the unit;
  - records of investigations conducted by the Attorney General, State's Attorney, a town or county attorney, a police department or a sheriff;
  - records compiled for any law enforcement, judicial, correctional, or prosecution purpose; or,
  - records containing intelligence information or security procedures of the Attorney General, a State's Attorney, a town or county attorney, a police department, or a state or local correctional facility or sheriff.

- (2) If, however, the request for inspection of any above-listed records is made by the person in interest, then the documents will be released unless one of the following statements applies:
- The release of the document would interfere with a valid and proper law enforcement proceeding.
  - The release would deprive someone of a right to a fair trial or an impartial adjudication.
  - The release would result in an unwarranted invasion of privacy.
  - The release would disclose the identity of a confidential source.
  - The release would disclose an investigative technique or procedure.
  - The release would prejudice an investigation.
  - The release would endanger the life or physical safety of an individual.
5. All original reports and documentation are to be filed and maintained in the Records Section. The retention of any original reports, statements, documents, photographs or attachments in personnel or investigative files is prohibited with the following exceptions:
- a. Internal Affairs investigations will be filed and secured within the Administrative Assistant's Office.
  - b. Intelligence investigations will be filed and secured within the Sergeants' Office.
  - c. Sensitive investigations in which circumstances indicate a security breach is possible will be filed and secured within the Sergeants' Office.
  - d. In the case of the exceptions described above, reports will be maintained in a manner which conforms to existing law, and has been approved by the Chief of Police.

- e. All reports with will be forwarded to the Records Section after adjudication, with the exception of the Internal Affairs files.

## **I. Status of Reports**

### **1. Incident Reports**

- a. The Records Supervisor, as part of his/her review of a report, determines the status of the report.
- b. The Records Section will enter all pertinent information into the in-house computer system off of all submitted reports, both initial and supplementary. This information includes, but is not limited to, the investigating officer's identification number, the case disposition and the disposition date. Prior to entering any information, Records personnel will enter the incident number into the Offense module and retrieve the call for service for that incident number to ensure that the correct incident number has been used for that specific incident.
- c. Supervisors are responsible for ensuring that their respective personnel have completed follow-ups assigned to them on time.
- d. The original of all incident reports, statements, case documents, photographs, etc. will be retained by the Records Section.

### **2. Traffic Collisions**

- a. Traffic collision reports shall be checked by a patrol supervisor. Once approved, the collision report shall be forwarded to the Data Processing Administrative Assistant for computer entry.
- b. Traffic collision reports requiring further investigation will be returned to the investigating officer by the supervisor for follow-up.
- c. Collision reports that require further investigation will have their report status checked at least every 10 days.
- d. To assist Records Section personnel, copies will be made of all collision reports returned for further investigation. This will be placed in the collision file to serve as a reminder that the collision report has not been finalized and is not to be distributed to the public.

## **J. Records Security and Privacy**



1. Access to records is limited to Records personnel. At those times when the records room is closed, access to records will be limited to the supervisors and/or Command officers. Other personnel are permitted access under the supervision of the Administrative Assistant.
2. Information and reports maintained within the Records Section shall not be disclosed to anyone unless disclosure of information is authorized by the Administrative Assistant or Command staff.
3. Maintenance or service repair personnel performing cleaning or equipment repairs services shall be allowed in the Records Section under the direct supervision of the Administrative Assistant or Command personnel, who shall remain present at all times.
4. When no Records or Command personnel are present, the Records Section shall be closed and locked at all times.
5. Release of information to outside agencies:
  - a. Under no circumstances, shall employees release criminal history records to insurance companies or private employees.
  - b. When a representative from a criminal justice agency requests information, the Records Section employee shall request an identification card issued by that agency and a copy of a signed release of information waiver prior to the release of the information. If the requesting person cannot display suitable identification and/or a signed waiver, then the request shall be denied. A copy of the signed waiver will be placed in the file or attached to the report anytime information is released.
  - c. When telephone requests are received from officers or agents from other criminal justice agencies, the Records Section employee shall request a fax be sent on the agency's letterhead. After the requesting person's identity is established, the information may be released.
6. The Records Section shall not routinely release information to the general public. Requests for information on incidents for which Press Releases have been prepared should be referred to the Chief of Police. The Administrative Assistant may release the following information:
  - a. Confirmation that an incident did occur, unless it would compromise an ongoing investigation.

- b. An adult arrestee's name when charges have been placed against them. This includes juveniles when charged as an adult.
7. All requests from attorneys for reports or report information that involve criminal matters that are pending trial shall be forwarded to the State's Attorney's Office. This includes serious traffic offenses, i.e., Driving While Intoxicated, Fleeing and Eluding, etc. Non-criminal report information such as collisions shall be handled as if the attorney were the complainant/victim. All such requests must be accompanied by a signed waiver from the attorney's client.

## **K. Records Retention Schedule**

### 1. Records Retention Schedule

- a. A schedule of retention and destruction for police records has been established. A copy of the schedule will be located in each section of the agency. No records are to be retained, transferred, destroyed, or otherwise disposed of in violation of this schedule.
- b. The Administrative Assistant is the agency's records retention and destruction coordinator. Any questions regarding the retention, destruction or storage of records should be directed to the Administrative Assistant.

### 2. Destruction of Records

- a. Upon expiration of the required retention period outlined in the Records Retention Schedule, records under the control of the Thurmont Police Department may be destroyed. Records may not be destroyed prior to that time.
- b. Records will not be destroyed as long as, in the opinion of the Thurmont Police Department, they pertain to any pending case, claim, or action.
- c. Upon expiration of the required retention period, if a supervisor wishes to destroy records under his/her control, the records to be destroyed will be inventoried and outlined on a report to the Chief requesting permission to destroy the records.
  - i. This request to destroy records will be forwarded up the chain of command and over to the Administrative Assistant.

- ii. The Administrative Assistant will review the records to determine if the requested destruction is in compliance with the retention schedule.
- iii. The Administrative Assistant will make a recommendation to the Chief of Police, who will make the final decision on the request to destroy records.
- d. Once approval is given by the Chief to destroy records, the records will be turned over to the Evidence Custodian, who will see that they are destroyed by incineration. The Evidence Custodian may retain the records to be destroyed in the evidence/property room until a regularly scheduled destruction of property, and these records may then be destroyed along with the other property being destroyed.

**L. Child Sexual Offender Registration (Article 27, § 792, Annotated Code of Maryland)**

- 1. Definitions for this section are as follows:
  - a. Child sexual offender - a person who
    - i. Has been convicted of violating § 35C of Article 27 of the Annotated Code of Maryland for an offense involving sexual abuse
    - ii. Has been convicted of violating any of the provisions of §462 - § 464B of Article 27 for an offense involving an individual under the age of 15 years
    - iii. Has been convicted of violating § 464C of this Article for an offense involving an individual under the age of 15 years and has been ordered by the court to register under this section; or
    - iv. Has been convicted in another state of an offense, that, if committed in this State, would constitute one of the offenses listed in (i) and (ii) of this paragraph.

**Any violation/offense referenced in i. through iii. above must have been committed on or after October 1, 1995.**

- b. Supervising authority:
  - i. If the offender is in the custody of a facility operated by the Department of Public Safety and Correctional Services: the Secretary of Public Safety and Correctional Services;

- ii. If the offender is in the custody of a local or regional detention center, including an offender who is participating in a home detention program: the administrator of the facility;
  - iii. If the offender is granted probation before judgment, probation after judgment, or a suspended sentence: the court that granted the probation or suspended sentence;
  - iv. If the offender is in the custody of the Patuxent Institution: the Director of the Patuxent Institution;
  - v. If the offender is in the custody of a facility operated by the Department of Health and Mental Hygiene: the Secretary of Health and Mental Hygiene;
  - vi. If the offender's sentence does not include a term of imprisonment: the court in which the offender was convicted;
  - vii. If the registrant is in the State under the terms and conditions of the interstate compact agreements under Article 41, § 4-801 and 4-1201 through 4-1211 of the Code, the Secretary of Public Safety and Correctional Services;
  - viii. If the registrant moves to this State and was convicted in another state of an offense that would require the individual to register if the offense was committed in this State, the Secretary of Public Safety and Correctional Services;
  - ix. If the registrant moves to this State from another state where the individual was required to register, the Secretary of Public Safety and Correctional Services;
  - x. If the registrant is under the supervision of the Division of Parole and Probation, the Director of Parole and Probation.
- c. Local law enforcement agency - the law enforcement agency in a town that has been designated by resolution of the town governing body as the primary law enforcement unit in the town.
  - d. Resident - person who lives in Thurmont at the time the person
    - i. Is released;
    - ii. Is granted Probation before judgment (PBJ);

- iii. Is granted probation after judgment;
  - iv. Is granted a suspended sentence; or
  - v. Receives a sentence that does not include a term of imprisonment.
- e. Convicted means:
- i. A probation before judgment after a finding of guilt for an offense if the court, as a condition of probation orders compliance with the requirements of this section; and
  - ii. A finding of not criminally responsible for an offense.
- f. “Department” means the Department of Public Safety and Correctional Services.
- g. “Offender” means a person who is ordered by the court to register under this section and who:
- i. Has been convicted of violating § 1, § 2, or § 338 of this Article;
  - ii. Has been convicted of violating § 337 of this Article if the victim is under the age of 18 years;
  - iii. Has been convicted of the common law crime of false imprisonment if the victim is under the age of 18 years and the offender is not the victim’s parent;
  - iv. Has been convicted of violating § 464C of this Article if the victim is under the age of 18 years;
  - v. Has been convicted of soliciting a minor to engage in sexual conduct;
  - vi. Has been convicted of violating § 419A of this Article;
  - vii. Has been convicted of violating § 15 of this Article or any of the provisions of § 426 through 433 of this Article if the intended prostitute is under the age of 18 years;
  - viii. Has been convicted of a crime that involves conduct that by its nature is a sexual offense against an individual under the age of 18 years;

- ix. Has been convicted of an attempt to commit a crime listed in items (i) through (viii) of this paragraph; or
  - x. Has been convicted in another state of an offense that, if committed in this State, would constitute one of the offenses listed in (i) through (ix) of this paragraph.
- h. “Registrant” means a person who is:
- i. A child sexual offender;
  - ii. An offender;
  - iii. A sexually violent offender;
  - iv. A sexually violent predator.
  - v. A child sexual offender who, before moving into this State, was required to register in another state for an offense occurring before October 1, 1995; or
  - vi. An offender, a sexually violent offender, or a sexually violent predator who, before moving into this State, was required to register in another state for an offense occurring before July 1, 1997.
- i. “Release” means:
- i. Any type of release from custody of a supervising authority;
  - ii. Release on parole, mandatory supervision, work release, and any other type of temporary leave other than leave that is granted on an emergency basis.
  - iii. Release does not include escape, or because of administrative error.
- j. “Sexually violent offense” means:
- i. A violation of any of the provisions of § 462, § 463, § 464, § 464A, § 464B or § 464F of this Article; or

- i. Assault with intent to commit rape in the first or second degree or a sexual offense in the first or second degree as previously proscribed under former § 12 of this Article.
    - k. “Sexually violent offender” means a person who:
      - i. Has been convicted of a sexually violent offense;
      - ii. Has been convicted of an attempt to commit a sexually violent offense; or
      - iii. Has been convicted in another state of an offense that, if committed in this State, would constitute a sexually violent offense.
    - l. “Sexually violent predator” means a person who:
      - i. Is convicted of a second or subsequent sexually violent offense;
      - ii. Has been determined in accordance with this section to be at risk of committing a subsequent sexually violent offense.
  2. When a child sex offender who will reside in Thurmont is released, is granted PBJ, is granted probation after judgment, is granted a suspended sentence, or receives a sentence that does not include a term of imprisonment, the Thurmont Police Department will receive written notice of the release from the supervising authority. (If the offender is released from the Frederick County Adult Detention Center, this notice will come from the Chief of the Corrections Bureau.)
    - a. This notice will include:
      - i. The offender's full name and DOB;
      - ii. The offender's address, if available;
      - iii. The offender's social security number;
      - iv. A recent photograph of the offender; and
      - v. A brief description of the crime for which the offender was convicted, granted PBJ, or found not criminally responsible.

- b. The Thurmont Police Department will receive the same notice described in 2. above if an offender who resided in Thurmont before custody escapes from a facility or is recaptured after an escape.
  3. Child sex offenders are required to register with the Frederick County Sheriff's Office as follows:
    - a. If a resident, within seven (7) days after
      - i. Being released;
      - ii. Being granted PBJ;
      - iii. Being granted probation after judgment;
      - iv. Being granted a suspended sentence; or
      - v. Receiving a sentence that does not include a term of imprisonment or otherwise directed by the court.
    - b. If not a resident, within seven (7) days after
      - i. Establishing a temporary or permanent residence within Thurmont, or
      - ii. Applying for a Maryland driver's license with a Thurmont address.
  4. Offenders reporting to the Frederick County Sheriff's Office to register shall be directed to the Victim Services Coordinator or designee, who will ensure that a Maryland Department of Public Safety and Correctional Services Child Sexual Offender Registration Statement, including photographs and fingerprints, is completed.
    - a. The Registration Statement shall be completed by the Victim Services Coordinator or designee and signed by the offender.
    - b. This documentation will be processed by the Victim Services Coordinator or designee who
      - i. Shall send
        - (1) A copy of the Registration Statement to the Department of Public Safety and Correctional Services (who will reimburse the Thurmont Police Department for processing the statement) within three (3) days)



(2) Notice of the Registration Statement to the Board of Education Superintendent within five (5) days.

(3) A copy of the Registration Statement within seven (7) days to anyone submitting a written request which includes:

- The requester's name and address
- The reason for the request

The Victim Services Coordinator shall keep records of all such written requests received.

(4) A copy of the Registration Statement within seven (7) days to the police department in the municipality where the offender will reside (or in the case of escape, where the offender resided) and to the Maryland State Police, Barrack B.

ii. May provide notice of a Registration Statement to the following organizations if determined necessary to protect public interest:

- (1) Community organizations
- (2) Religious organizations
- (3) Any organization relating to children or youth

This notice shall be sent within seven (7) days of determining the need.

c. Notices required in b.i. and b.ii. above shall consist of:

A statement that the offender has registered with the Thurmont Police Department per Article 27.

*d. A Notice to Registrant form will be completed by the Victim Services Coordinator or designated representative and initialed/signed by the offender to whom a copy will be provided.*

5. If an offender who has registered with the Thurmont Police Department changes residences, the offender shall send written notice of the change to the Thurmont Police Department within seven (7) days after the change occurs. As soon as possible and in no event later than three (3) working days after receipt of the notice the Victim Services Coordinator or designee shall give notice of the change to

a. The Department of Public Safety and Correctional Services; and

- b. If the new residence is in a different jurisdiction, to the local law enforcement agency in whose jurisdiction the new residence is located.
6. An offender shall register with a local law enforcement agency annually for 10 years after:
  - a. The last date of release;
  - b. The offender is granted PBJ, probation after judgment, or a suspended sentence; or
  - c. Receives a sentence that does not include a term of imprisonment.
7. An offender who knowingly fails to register as required by this law is guilty of a misdemeanor punishable by not more than three years imprisonment and/or a fine of not more than \$5000 as outlined in Article 27, Section 792.
8. Complete Child Sexual Offender Registration standard operating procedures are maintained by the Victim Services Coordinator.

#### **M. Records Administration Operational Accessibility**

Informational access to agency records can be obtained through the in-house computer system. This access is granted to all departmental personnel with assigned logins and passwords. Personnel needing physical access to records during non business hours are required to contact the Administrative Assistant or the Chief.

#### **N. Records Annual Audit, Central Records Computer**

All agency personnel are assigned a login and password to the in-house computer systems. Access rights and abilities are assigned to each person depending on their specific job requirements. The System Administrator is responsible for determining computer access rights assigned to each login and password. The county I.I.T.(Interagency Information and Technology) section is responsible for assigning and tracking all log-ins and passwords. The user rights access will be reviewed on a yearly basis or when a possible security breach has been attempted.

#### **O. Computer Software Policy**

All agency computers that are connected to the I.I.T. network have predetermined software installed. No other software will be installed to these

computers without the prior approval of the Chief of Police. Floppy disks/ CD-DVDs may only be inserted *into county owned computers for storage and retrieval of work data.*

**P. Computer File Backup And Storage**

The agency's records management system (RMS) software is maintained by the county I.I.T. section and resides on a main / mini frame computer located in the I.I.T sections computer room. The I.I.T. section will conduct a nightly backup of all RMS files to data tapes. The backup tapes are reused in a rotational order and stored at the I.I.T sections computer room. When backup tapes become unserviceable and are no longer needed, these tapes will be erased and destroyed in a manner that will prevent retrieval of any information.

**ATTACHMENTS:**

Appendix 14.1A - Records Retention Schedule

**DOCUMENT DATES:**

Amended Date:

Review Date:

Review Date:

Rescinds:

Order Written by: Chief of Police

Order Edited and Approved by: Chief of Police

CALEA Standards included in this Order  
Chapter 82