

Chapter 53
POLICE DEPARTMENT

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[HISTORY: Adopted 8-4-75. Amended and revised 3-6-95, effective 3-26-95.]

§ 53-1. Contents of chapter.

This chapter consists of the rules and regulations adopted by the Mayor and Town Council of Riverdale Park for the conduct and administration of the Riverdale Park Police Department.

§ 53-2. Functions of Department; coordination of functions. [Revised 4-7-08; effective 4-28-08]

(a) Police Department functions:

- (1) The protection of life and property.
- (2) The preservation of peace and good order.
- (3) The prevention of crime.
- (4) The enforcement of the laws of the State of Maryland, Prince George's County, Maryland, and the ordinances of the Town of Riverdale Park, Maryland.
- (5) The arrest of violators of the law.
- (6) The investigation of criminal offenses and the identification, apprehension and prosecution of the perpetrators, in conjunction with the county police or Maryland State Police.
- (7) The control of lost, abandoned or confiscated property unless superseded by rules and regulations of the state or county.
- (8) The administration and supervision of Town of Riverdale Park Code Enforcement activities.

(b) Coordination of functions. In carrying out such functions, all members and employees of the Police Department shall coordinate their efforts in such a manner as will tend to establish, maintain and promote the highest standards of efficiency as defined in this chapter and the Riverdale Park Police Manual.

§ 53-3. Composition of Department. [Amended 4-7-08; effective 4-28-08]

(a) The police force shall consist of a Chief of Police and such members or officers as the appropriate town officials see fit to appoint from time to time.

(b) The Police Department shall consist of the police force and such civilian employees as are assigned to the Department.

§ 53-4. Appointment of police officers.

(a) To be eligible for appointment to the police force, an applicant shall meet the following requirements:

- (1) Be at least twenty-one (21) years of age.
- (2) Be of a weight in proportion to his or her height.
- (3) Be of good moral character.
- (4) Be of good physical and mental health.
- (5) Be a graduate of an accredited high school or its equivalent.
- (6) Pass a background investigation as prescribed by the Chief of Police and the State of Maryland.

(b) Appointments to the police force will be for a probationary period of one (1) year after full certification as a police officer. Continued employment after the expiration of this period will be contingent upon both satisfactory performance and the recommendation of the Chief of Police. If the officer's performance in this probationary period is unsatisfactory, he or she shall be notified in writing to that effect by the Chief of Police, and his or her continued service with the Police Department shall be terminated. The Chief of Police may extend the probationary period for no more than six (6) months. Any termination will be subject to appeal to the Mayor and Council according to the town's personnel policy.

§ 53-5. Training of newly appointed police officers.

(a) Each newly appointed member of the police force shall receive training at such time and place as may be designated by the Chief of Police. The ability to assimilate and apply the material taught at the police training facility will be a major factor in determining a prospective officer's retention as a member of this Department. If the prospective officer does not receive passing grades in all Maryland Police Training Commission requirements, he or she will be terminated.

(b) Before a member is enrolled in the Police Academy, he or she will be expected to enter into and sign an agreement with the Town of Riverdale Park wherein he agrees to serve two (2) years as a police officer subsequent to the successful completion of the Academy training course. If he or she terminates employment before the expiration of this period, he or she will agree to reimburse the salary paid to him or her as stated in the contract.

§ 53-6. Compensation.

The officers and probationary officers of the Police Department shall receive such salaries and allowances and benefits as may be authorized from time to time by the Mayor and Council.

§ 53-7. Acquisition and maintenance of vehicles and other equipment.

The Mayor and Council are authorized to pay for the acquisition and maintenance of vehicles and other equipment to be used by the members of the police force.

§ 53-8. Oath required; supervision.

Upon an officer's appointment to the Riverdale Park Police Department, he or she shall take an oath before the Mayor or any person duly authorized to administer the oath as prescribed by the Charter, and shall immediately report to the Chief of Police and thereafter shall at all times be under the Chief's supervision and control.

§ 53-9. Responsibility for uniforms and equipment.

(a) Members of the Police Department are required to be neat, clean and well-groomed at all times. Uniform and civilian clothes shall be clean and pressed at all times. Shoes, leather equipment and brass shall be regularly polished and sidearms shall be clean and serviceable at all times.

(b) No member of the Police Department shall allow another member of the Department or any other person to use his or her badge or any other of his or her means of personal identification.

(c) Each uniformed member of the Police Department shall be held responsible for the uniforms, motor vehicle or other equipment issued to him or her, and where it is established that such uniforms, motor vehicle, or other equipment are lost or damaged through negligence, the officer concerned shall be subject to appropriate administrative or disciplinary action as prescribed in the Riverdale Park Police Manual, this chapter, and in accordance with the Maryland Law Enforcement Officers Bill of Rights.

(d) All members of the force shall have their last two (2) weeks' salary retained in escrow by the Town of Riverdale Park. When a member terminates his or her employment, this escrow amount will be refunded upon his or her returning, in good condition, the uniforms and equipment issued to him or her. Certification of compliance shall be made in writing by the Chief of Police to the Town Administrator. Any missing or damaged uniforms or equipment shall be paid for out of this escrow amount.

§ 53-10. Powers and duties.

(a) The Chief of Police is the commanding officer and administrative head of the Police Department. He shall have the authority to delegate responsibility and assign functions to officers and personnel of the Department in such manner as in his judgment is necessary to establish and maintain efficiency and good administration.

(b) The Mayor and Council herein delegate to the Chief of Police the authority and responsibility to develop a manual of rules and procedures, referred to as the Riverdale Park Police Manual, and said rules and procedures shall be followed by all members of the Police Department.

(c) Sworn members of the Department shall exercise full police authority within the corporate limits of the Town of Riverdale Park. Members of the Department shall not, while on duty, leave the confines of the Town of Riverdale Park except when in the fresh pursuit of a flagrant traffic violator or of a person he has probable cause to believe has committed or is about to commit a felony, or if directed by competent authority. Competent authority shall be defined as the Mayor, Chief of Police or other police command officer, or as directed in the Riverdale Park Police Manual.

(d) When a member of the Department is under suspension, he or she shall not wear the uniform and shall not exercise any police powers.

§ 53-11. Conduct of officers and civilian employees.

(a) Conduct unbecoming an officer or civilian employee.

(1) Conduct unbecoming a member of the Police Department or any civilian employee in the Department is prohibited.

(2) All members of the Police Department shall be subject to the rules and regulations set forth in this section.

(b) Private compensation or reward; contests.

(1) No compensation, reward or other consideration from any private sources shall be solicited or accepted by any members of the Police Department without special, written permission from the Chief of Police. Upon receipt of any reward, compensation or consideration, after permission has been granted, a complete report shall be forwarded to the Chief of Police.

(2) Members of the Police Department shall not engage or solicit votes or contributions for any prize contest, or engage, either directly or indirectly, in the sale of tickets or soliciting of advertisements of business of any nature, without written approval of the Chief of Police.

(c) Disobedience to lawful order; ranking officer.

(1) No member of the Police Department shall willfully disobey any lawful command or order, either verbal or written, of any officer senior in rank, but shall execute such order or command promptly. If any such order conflicts with any previous order, from any other superior officer, or with any general

order or special order, or provisions of this section, the member receiving such order shall courteously so inform the superior officer of the conflict. If such officer does not change his order to avoid conflict, his order shall stand and the responsibility shall be his. The person obeying the order shall not be held responsible for disobedience of any orders therefore issued.

(2) Where two (2) or more officers, commissioned or noncommissioned, of the same rank are assigned to special detail, unless specific instructions have been issued to the contrary, the senior present shall be in command.

(d) Violation of laws; false statement.

(1) No member of the Police Department shall intentionally violate any law of the United States, the state, the county or the ordinances of any city or municipality within the state.

(2) No member of the Police Department, under any circumstances, shall make any false official statement or intentional misrepresentation of facts.

(e) Members of the Police Department shall be punctual in attendance to all calls, requirements of duty, court appointments and other circumstances where time is specified.

(f) Members of the Police Department shall not be concerned, directly or indirectly, in making any compromise or arrangements between suspected violators of the law and persons who are alleged to have suffered by their acts.

(g) All employees shall be required to attend work regularly, to be punctual in reporting for duty at the prescribed time, and to work the number of hours prescribed in their standard work weeks, where applicable, unless absent on authorized and approved leave. Supervisors shall be responsible for the proper attendance of employees under their jurisdiction.

§ 53-12. Civilian employees. [Revised 4-7-08; effective 4-28-08]

(a) Civilian employees of the Police Department shall include all employees who have not been sworn in as peace officers, such as clerks, radio dispatchers and any other employee who may be hired, including those described in subsection (b) of this section. The conduct of these employees shall be governed by the rules and regulations adopted for the administration and discipline of the Department as prescribed in the Riverdale Park Police Manual and the town's personnel procedures.

(b) All Town Code Enforcement officers, code enforcement supervisors, code officials, and other employees of the Town, regardless of title, whose primary duty and responsibility is performing Code Enforcement functions for the Town shall be civilian employees of the Riverdale Park Police Department.

§ 53-13. Lost, abandoned or confiscated property.

(a) Appointment and duties of property custodian. The Chief of Police is authorized to appoint or designate from his police force members to act as property custodians. The property custodians shall keep a complete record, under the supervision and direction of the Chief of Police, of all property and money coming into their possession.

(b) Property coming into possession of officers to be turned over to property custodian.

(1) Every member of the police force and all other law enforcement officers shall, at the end of their daily tour of duty, deliver to the property custodian, for immediate registering in the property record book, all property and money coming into their possession in any manner whatsoever by reason of their official duties, and the property custodian shall give a receipt for and retain all such property except as provided in paragraph (b)(2) of this subsection.

(2) In every instance in which a law enforcement officer or member of the State's Attorney's office informs the property custodian that such property is required to be retained by such officer for the purpose of investigation or for use as evidence in a trial, the property custodian, after duly registering such property, shall turn it over to the officer for such purpose. All property thus turned over to such officer, after having served its purpose for investigation, shall be redelivered to the property custodian who shall thereupon sign and give a receipt for such property.

(3) It shall be the duty of the property custodian to return any property upon satisfactory evidence of ownership and after obtaining proper receipts therefor.

(4) The property custodian shall maintain files for audit and keep records of property sold or destroyed.

(c) Property to be held by Police Department; time limit for establishing ownership. All personal property, equipment and incidental articles which may be turned over to, found, recovered or otherwise acquired or possessed by the Police Department, with the exception of motor vehicles, shall be held by the Department for a period of six (6) months, and if not identified, returned to or claimed by the owners of such property, then such property shall be deemed forfeited and all rights in and to such property shall be foreclosed and lost to the owners.

(d) Confiscation of unclaimed property held more than six (6) months. The Chief of Police shall cause to be inventoried all personal property in the possession of the Police Department, and all such property which has been held for more than six (6) months and not recovered, identified, claimed or returned to the rightful owners thereof shall be and the same is hereby confiscated and all rights thereto forfeited.

(e) Sale or destruction of confiscated property.

(1) The Mayor and Council shall cause to be sold all property, with the exception of drugs, firearms and other weapons, confiscated under this chapter and held for more than six (6) months, at public auction for cash, the proceeds to be paid to the town after deducting the costs of such sale.

(2) The Chief of Police shall cause to be destroyed any confiscated weapons or firearms which are not serviceable or which they feel are dangerously or irregularly constructed, and may sell any other weapons or firearms but only to gun dealers who are registered pursuant to Article 27, section 4-43, of the Annotated Code of Maryland.

(3) Firearms and other contraband weapons or property shall in no case be disposed of until checked and referenced by the Chief of Police, or his designee, with the National Crime Information Center and federal firearms authorities, and ascertained whether they may be needed as evidence in any pending court case.

(4) All contraband drugs and marijuana shall be disposed of through proper state and local practices and procedures as required.

§ 53-14. Administration and conduct.

(a) Matters relating to the administration, conduct and discipline of members of the Police Department not covered in this chapter shall be found in the Riverdale Park Police Manual or state law.

(b) The Riverdale Park Police Manual and any changes or additions thereto not in conflict with this chapter may be adopted at a regular public meeting by resolution of the Council.

(c) By virtue of the authority vested in the Chief of Police by the Mayor and Council, he shall have the power to issue additional rules, regulations and orders not in conflict with this chapter or the Police Manual, as circumstances or an emergency may require, and which shall have the same effect as though adopted by the Mayor and Council.

§ 53-15. Disciplinary action.

Any violation of rules and regulations covered in this chapter shall be punishable by proper disciplinary action to be taken by the Chief of Police and/or by the

Mayor and Council as provided in the Riverdale Park Police Manual and the State of Maryland Law Enforcement Officers Bill of Rights.