

	DELMAR POLICE DEPARTMENT	
	Policy 1.2 Jurisdiction, Organization and Authority	
	Effective Date: 01/01/15	Replaces: 1-3
	Approved: <u>Ivan Barkley</u> Chief of Police	
Reference: DPAC: 1.2.1, 1.4.1, 1.4.2		

I. POLICY

The department is established by state and local law, and consists of a Chief of Police and other full and part-time officers and non-sworn employees as determined by the Mayors and Joint Council. The chief executive of the police department is the Chief of Police, appointed by the Joint Council and subordinate to the Town Manager. The Chief, in turn, appoints police officers who are charged with enforcing the laws of the State of Maryland and Delaware and all local ordinances. The jurisdiction of the police department is limited to the town limits, except in cases of pursuit of offenders who have committed a violation within the town limits and then flee outside the town limits, or when another department requests assistance, or when enforcing laws on property owned by the town but outside its boundaries, or when assisting a state or federal task force. (DPAC 1.2.1)

II. PURPOSE

The purpose of this order is to describe the jurisdiction and organization of the police department, outline its rank structure, and assign responsibilities, functions, and duties.

III. AUTHORITY AND AGENCY JURISDICTION

The jurisdiction of the Delmar Police Department is limited to inside the town limits of the town with certain exceptions.

- A. Police Officers appointed by the town have all the authority granted to them by the State of Maryland and Delaware as Peace Officers. Appointed officers have the responsibility to act within the law, preserve order, arrest offenders, and protect the residents and visitors to the town.
- B. Officers have arrest authority anywhere within the State of Maryland and Delaware, however the exercise of that authority will be limited when outside the town limits to those situations involving a felony or the use of violence or threatened use of violence against a person, and then only to the extent that the officer is able to safely intervene. When off-duty or out of our primary jurisdiction, officers seldom have appropriate equipment, communications, or assistance needed to properly intervene in dangerous situations. Intervention in these cases may be resolved by calling appropriate authorities and remaining on scene to provide witness information.

- C. Officers have authority to enforce the law on property owned by the town but outside the town limits.
- D. Officers have authority to pursue offenders outside the town limits who have committed violations inside the town pursuant to the department's pursuit policy. Officers may also utilize their authority to conduct investigations, including interviewing witnesses, interrogating suspects, executing search and arrest warrants and making lawful warrant-less arrests anywhere in the State of Maryland and Delaware when investigating crimes occurring inside the town.
- E. Officers have authority to enforce the law in another jurisdiction pursuant to a properly executed mutual aid agreement.
- F. While officers have full authority to make arrests, issue summonses, and use force in enforcing the law, officers are also expected to use discretion and common sense in the application of this authority. Officers should always seek a reasonable level of intervention appropriate to preserve the peace and protect the public safety.
- G. An official map of the town limits will be maintained in the patrol room.

IV. ORGANIZATIONAL STRUCTURE

A. Organizational structure

1. The Town of Delmar Maryland's Charter and the Town of Delmar Delaware's Charter authorizes the creation of a police department. The Chief of Police is responsible for the direction of all activities of the department. This direction is accomplished through written and oral orders as well as by personal leadership. Written orders take the form of general orders, standard operating procedures, and other directives as needed.
2. The department consists of a Police Chief, Command Staff, and as many police officers as the town's joint council determines are required to protect and serve the community and otherwise support or carry out the department's objectives.

B. Chain of Command and Succession

1. The Police Chief has full control over departmental activities. As outlined in this policy, in the absence of the Police Chief, the Administrative Lieutenant shall take command and notify the Chief of all major decisions that the Lieutenant may make. If the Chief and the Administrative Lieutenant are not available, then the First Sergeant shall take command and shall make any necessary reports to the Chief.
2. Supervisors shall, without specific instructions, undertake the required details and assignments necessary to carry out the business of the department. Supervisors shall be guided in the assignment of personnel by the number of officers available for duty and the necessity to assign them where they will be most useful.

C. Authority and responsibility

Division Commanders/Lieutenant - First Sergeant

1. Division commanders assume management responsibility over all matters relating to the fulfillment of the functions of the divisions within their areas of responsibility. They work in conjunction with each other to provide unified direction to the multiple segments of the organization, assisting the Chief in the management of the agency.
2. The Administrative division commander is designated as a Lieutenant. In addition to any other duties incumbent upon the position of an administrative lieutenant, this person will serve in the absence or unavailability of the Chief, be the Chief's direct designee in all matters, and also coordinate the activities of the other division commander.
3. The Patrol division commander is designated as a First Sergeant. In addition to other duties incumbent upon the position of the First Sergeant, this person will bear the responsibility for fleet management and inventory of all equipment assigned to the patrol division and its officers. Also serves as the Chief's designee in the absence of the Chief when the Administrative Lieutenant is unavailable.
4. Commanders exercise line command over the employees of their assigned divisions. Additionally by utilizing resources available to them, they assume staff responsibility over matters relating to the operations within their commands. Commanders provide advice and guidance to the personnel assigned and are responsible for keeping the Chief informed about the activities and accomplishments of their officers.

Sergeants / Communications Supervisor

1. Sergeants exercise line command over the officers in their assigned unit and function as the first line supervisory level within the Department. They are responsible for ensuring service delivery, compliance with policy, and make recommendations to their respective lieutenant for improvements in operations. Sergeants shall regularly review and instruct subordinates in pertinent laws, ordinances, and necessary skills.
2. Sergeants are the first level of supervision, and it is their primary responsibility to guide, train, direct, and motivate those over whom they supervise. A sergeant is expected to engage in law enforcement operations as expected of officers under their supervision.
3. Supervisory personnel (sworn and non-sworn) will not assume command outside their own organizational segment during the normal completion of their responsibilities unless failure to do so would adversely affect the Department's operational capability.
4. The communications supervisor has the same authority and responsibilities as those listed for the position of police sergeant and will be held to the same level of accountability for the supervision and guidance to all civilian personnel assigned to the communications division.

Corporals

1. Corporals will exercise line command over the employees of their assigned patrol shift in the absence of the shift sergeant due to approved leave, training, or a special assignment. Corporals may be given limited supervisory authority to support the role of the Sergeant.
2. Corporals are responsible for ensuring service delivery, employee compliance with policy, and making recommendations to the sergeant for operation improvements. Corporals also serve as training instructors and are expected to engage in law enforcement operations as expected of other officers on the shift or detail.

Police Officer (Patrolman /Patrolman First Class) / Communications Operator

1. Police officers make up the majority of the Department's sworn personnel and often are the first to make contact with the public. Assignments vary in content but generally include patrol and community interaction. They are responsible for keeping their respective supervisors informed about their activities and accomplishments.
2. Communications operators make up the majority of the Department's non-sworn personnel and are often the first point of contact by a member of the public having need for police, fire or medical assistance. Communications from the public may originate from telephones, E9-1-1 or in person. They are responsible for keeping their respective supervisors informed about their activities and accomplishments.

D. Direction

The provisions of this section relate to the application of basic organizational principles within the Department.

Unity of Command

1. Each component of the Department is normally under the direct command of one supervisor. Within each established chain-of-command, the appropriate supervisor is responsible and accountable for the performance of employees under their control.
2. In routine operations, employees are accountable to only one supervisor.
 - a. Situations may exist where supervisors issue commands to employees outside the chain-of-command.
 - b. "On Scene" supervisors will be responsible for control and command of subordinates at those incidents unless relieved of command by a higher authority.
3. When necessary, command and administrative officers may re-direct any subordinate employee under the supervision of a supervisory employee and that direction will be

followed. An employee may seek clarification or explain his purpose, but the final word will rest with the command or administrative officer.

Succession of Command

1. The Chief shall have the authority to designate a person to act in their place as Department head.
2. Should the Chief become incapacitated or unavailable to perform the duties of office, the order of succession to command shall be:
 - a. the Administrative Lieutenant, or in their absence;
 - b. the Patrol First Sergeant; or
 - c. if the Lieutenant or First Sergeant is not available, command shall be moved to the sergeants in order of seniority.

Span of Control

1. The number of employees in an enforcement unit under the immediate management of a single first line supervisor should not normally exceed eight (8).
 - a. Whenever staffing requirements are anticipated to exceed eight per supervisor for an upcoming event or situation, the affected supervisor is required to provide written notification through the chain-of-command to the Chief who will decide whether or not the increased staffing is appropriate.
 - b. Spontaneously occurring incidents may require temporary deviation from the recommended ratio. Once the situation is under control, staffing proportions should return to normal.
2. For administrative or non-enforcement assignments the span of control should be based upon the complexity/variety of tasks of subordinates, and the potential for a supervisor to adequately oversee the number of employees involved.

Delegated Authority

1. At all levels of the Department, authority will be delegated to employees to make decisions necessary for the effective execution of their responsibilities. The Department is committed to fostering an organizational climate that rewards employees for initiative, innovation, community involvement and problem solving.
2. Employees are accountable for the use of, or the failure to use, delegated authority. Any employee with questions concerning their delegated authority shall refer the matter to the on duty supervisor or division commander.

E. Seniority Determinations

1. The senior officer at a police incident shall be determined by rank, then by seniority within rank.
2. Seniority of civilian employees shall be determined as follows:
 - a. Having been designated by competent authority as being in charge of a particular situation or group of people.
 - b. In the absence of designation of command, seniority will be determined by job classification, then by length of continuous service within the classification.

F. Routine Command Protocol

Crime Scene Supervision

1. Normally conducted by the ranking officer or senior officer present. They have the authority to direct and oversee the processing of a scene unless relieved by a detective or investigative unit with expertise in the particular crime or by an officer in a command position.

Ranking Officer Assuming Control of Incident

1. At the scene of any police incident, the ranking officer, or senior officer if of the same rank, shall assume command of the scene and operations until relieved by a supervisor or until the conclusion of the incident.

Ranking Supervisor Assuming Command of Incident

1. At the scene of police incidents involving more than one segment of the Department the ranking supervisor shall assume command of the scene and operations.
2. If a senior command officer fails to take command of a scene they may be held accountable for unfavorable developments which could have been prevented had he/she assumed control.

Officer of Senior Rank Assuming Command

1. An officer of senior rank may take command of a situation by identifying themselves and informing the officer in charge of their intent. Such assumption of command shall be undertaken whenever the situation appears to the senior officer to be beyond the control of the officer in charge, when jurisdiction is concurrent over a particular duty or for disciplinary purposes.

Officer of Equal or Junior Rank Assuming Command

1. An officer of equal or junior rank may take command by identifying themselves and informing the officer in charge of their intent. Such assumption of command shall only

be undertaken when the officer then in command is unable, because of physical or mental inability, to perform the required duties.

G. Command Protocol at Major Incidents

Single Command at Major Incidents

1. At "major incidents" which patrol initially responds such as hostage/barricaded subject situations, crowd control situations, or other large-scale emergencies, a patrol supervisor will be designated to assume and maintain immediate control until a command level officer assumes control.
 - a. Command of tactical aspects of the operation will be assumed by the appropriate specialized unit supervisor upon arrival.
 - b. At such time the designated patrol supervisor will maintain control of non-tactical aspects such as outer perimeter maintenance and/or traffic control.
 - c. Overall control will be assumed by a lieutenant, specialized unit supervisor, or incident commander upon arrival.
 - d. Prior to arrival of a supervisor, the ranking officer on scene is in command.

H. Unified Command-Incident Command System

DPD supports and will adhere to the National Incident Command System (NIMS) Incident Command System (ICS). The fundamental principle of ICS is that of "unified command" at certain large-scale incidents requiring multi-agency co-ordination. When the ICS is implemented, command protocol will be:

1. The Administrative Lieutenant or alternate designee by the Chief will serve as the Department's overall incident commander.
 - a. Duties of the incident commander:
 - (i) Work with other-agencies at the command post.
 - (ii) Identify and prioritize principle hazards which concern law enforcement.
 - (iii) Ensure that legal responsibilities are upheld.
2. The Wicomico County Sheriff's Office and or Maryland State Police or Delaware State Polices' SWAT Team Commander will coordinate with the Administrative Lieutenant or his designee as DPD's ICS "Special Operation's Chief."
3. The tactical commander and the Special Operation's Chief will develop and implement specific tactical plans in response to the ICS's stated objectives.
4. Operational control will remain with the Incident Commander unless relieved from duty.

Other Special Situations

For operations initiated by a division or unit other than patrol, the ranking supervisor on scene will assume control.

V. Authority of the Chief of Police

1. The Chief of Police is the Department Director and assumes responsibility for the overall management of the organization; authorizes the institution of programs which keep Delmar Police Department effective in responsiveness to a wide variety of community needs; and guides the department in progressive leadership and technology arenas. The Chief is responsible for keeping the Town Manager informed of Delmar Police Department activities and accomplishments.
2. The Chief of Police shall meet the minimum standards for initial employment as required by the Maryland Police and Correctional Training Commission and the Delaware Council on Police Training within 12 months of appointment.
3. The Chief of Police or his designee is also the Departmental Homeland Security coordinator and will maintain relationships with the State Homeland Security office and other state and federal Homeland Security resources.

VI. ORGANIZATIONAL CHART

1. The attached chart denotes chain of command and intra-department relationships.
[\[See attached Organizational Chart\]](#)
2. The Organizational chart is reviewed annually and updated as necessary to illustrate the current functioning of the department.

VII. OATH OF OFFICE REQUIRED

1. All sworn officers will swear or affirm any oath required by state law or town ordinance before assuming law enforcement duties. All sworn officers shall abide by the Law Enforcement Officer's Code of Ethics. A copy of the law enforcement Code of Ethics is provided to each sworn officer.

VIII. AUTHORITY TO CARRY WEAPONS AND USE FORCE

1. Sworn officers who are certified police officers of the State of Maryland and Delaware are authorized to carry firearms and other weapons as identified in these directives and to use force when necessary and to the extent authorized by these orders and state law in enforcing the law and protecting the public. Officers traveling out-of state may exercise their right to carry a firearm as provided by Federal Law HR218 (see Policy 6.6).
2. Sworn officers who are off-duty are encouraged to carry firearms in order to take action when necessary to preserve life and property. When not in uniform, officers will not allow any

weapon to be visible to the public unless it is carried in a holster and the officer's badge is displayed adjacent to the weapon.

3. All on-duty officers in a non-uniform assignment will additionally display the department issued badge on their outer clothing while carrying a firearm.
4. Officers are not to carry any weapon when off-duty and have consumed or intend to consume any alcoholic beverages.

IX. OFF-DUTY AUTHORITY

1. Liability Protection: Officers of this agency have liability protection for the on and off-duty performance of official duties. This protection does not extend to those actions that the police officer knew, or reasonably should have known, were in conflict with the law or the established policies of this department.

Authorized Off-Duty Arrests

When off duty and within the legal authority of this law enforcement agency, an officer may make an arrest only in accordance with Maryland or Delaware state law when all of the following occur:

1. There is an immediate need to prevent a crime or apprehend a suspect
2. The crime would require a full custodial arrest
3. The arresting officer possesses appropriate police equipment and police identification.

Off-Duty Responsibilities

While off duty, the police officer is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities. When an officer is prohibited from taking off-duty enforcement actions under provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty personnel as soon as reasonably possible. Where an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.

Prohibitions of Off-Duty Arrests

Despite the fact that a police officer has police powers and responsibilities 24 hours a day throughout the jurisdiction, the off-duty officer generally should not attempt to make arrests or engage in other enforcement actions when the provisions of this section are not met or when any of the following circumstances exist:

1. The officer is personally involved in the incident underlying the arrest.
2. The officer is engaged in off-duty employment of a non-police nature.

3. The officer's ability or judgment to use a firearm or take a person into custody has been impaired by use of alcohol, prescription drugs, or other medication by a physical ailment or injury.
4. A uniformed police officer is readily available to deal with the incident.
5. Traffic stops utilizing a personally owned vehicle whether equipped with emergency lighting equipment or not.

Off-duty officers in plain clothes shall follow all orders issued by uniformed officers without question or hesitation during enforcement encounters and shall identify themselves as law enforcement officers as prescribed by departmental training. The Department's training authority shall establish protocols (including the use of signs and signals) for recognition of off-duty officers in plain clothes so as to reduce the potential of misidentification of such personnel during enforcement encounters. Such protocols shall be reviewed periodically during in-service training.