

Chapter 53
POLICE DEPARTMENT

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§ 53-1. Contents of Chapter.

This chapter delineates the functions, composition, authority, employment qualifications, training, oath of office, and the limitation of authority for the Riverdale Park Police Department.

§ 53-2. Definitions.

(a) Administrative Warrant: means an immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document, including those issued by the United States Department of Homeland Security (“DHS”) or any other federal immigration official or agency, including an immigration judge, that can form the basis for an individual’s arrest or detention for a civil immigration enforcement purpose. Administrative warrant does not include any active criminal warrants issued upon a

judicial determination of probable cause and in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and Article 26 of the Maryland Declaration of Rights.

(b) Citizenship or Immigration Status: means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States, the time and manner of a person's entry into the United States, or any other immigration matter enforced by the Department of Homeland Security ("DHS"), its predecessor or successor agency, or any other federal agency charged with the enforcement of civil immigration laws.

(c) Contact Information: means home address, work address, telephone number, electronic mail address, social media contact information, license plate information, or any other means of contacting an individual or through which an individual may be located.

(d) Department: means the Riverdale Park Police Department.

(e) Eligible for Release from Custody: means that one of the following conditions has occurred:

(1) All criminal charges against the person have been dropped or dismissed;

(2) The person has been acquitted of all criminal charges filed against him or her;

(3) The person has served all the time required for his or her sentence;

(4) The person has posted a bond; or

(5) The person is otherwise eligible for release under state or local law, or local policy or regulation.

(f) Family Member: means a person's (i) immediate family, (ii) extended family, (iii) court-appointed legal guardian or a person for whom the person is a court-appointed legal guardian, or (iv) domestic partner or the domestic partner's immediate or extended family.

(g) ICE: means the United States Immigration and Customs Enforcement agency and shall include any other or successor agency charged with the enforcement of civil immigration laws.

(h) Immigration Detainer: means a request by ICE to a federal, state, or local law enforcement agency that requests that the law enforcement agency provide notice of release or maintain custody of an individual based on an alleged violation of a civil immigration law, including detainers issued pursuant to Sections 236 or 287 of the Immigration and Nationality Act or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations. These detainers include but are not limited to DHS Form I-247D "Immigration Detainer – Request for Voluntary Action; DHS I-247X "Request for Voluntary Transfer"; or DHS Form I-247N "Request for Voluntary Notification of Release."

(i) Immigration Enforcement Official: means any federal employee engaged in immigration enforcement operations as herein defined, including but not limited to employees of the Department of Homeland Security ("DHS") and the Department of Justice ("DOJ").

(j) Immigration Enforcement Operation: means any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States, including but not limited to efforts to identify or apprehend persons for purposed of subjecting them to civil immigration detention and/or removal from the United States.

(k) Town: means Town of Riverdale Park.

§ 53-3. Functions of Department.

(a) The Department performs the following 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 criminal laws of the State of Maryland, Prince George's County, Maryland, and the ordinances of the Town of Riverdale Park.
- (5) The apprehension and arrest of violators of criminal law.
- (6) The investigation of criminal offenses and the identification, apprehension and prosecution of the perpetrators, in conjunction with other local, state, and federal law enforcement agencies.
- (7) The control of lost, abandoned or confiscated property unless superseded by rules and regulations of the state or county.

§ 53-4. Composition of Department.

- (a) The Department is an agency of the Town.
- (b) The Department shall consist of a chief of police and such sworn officers and employees as the Town may appoint from time-to time.
- (c) The Chief of Police is the commanding officer and administrative head of the Department and has the authority to manage and operate the department. The chief of police shall ensure that the Department adequately and competently fulfills the Department's functions as set forth in § 53-3
- (d) The duties of the Chief of Police shall be as follows:

(1) To recruit and select, in accordance with Town policy, and with the concurrence of the Town Manager, department officers and employees to perform the functions of the Department;

(2) To prepare, adopt, and administer, with the concurrence of the Town Manager, statements of policy and practice, general orders, and special orders, as appropriate, to govern the conduct of Department officers and employees. No such statements of policy shall conflict with the United States constitution and laws, the State of Maryland constitution and laws, the Town Charter, this Code, the Town's personnel manual or policies and resolutions adopted by the Mayor and Council; and

(3) To manage the day-to-day operations of the department and supervise the department's officers and employees, including but not limited to the scheduling of department officers and employees and the discipline of officers and employees in accordance with the department's general orders and policies, the Town's personnel manual, and provisions of State law, Maryland Code Public Safety Title 3 - Law Enforcement Subtitle I - Law Enforcement Officers' Bill of Rights, where applicable.

§ 53-5. Qualifications for Appointment of Police Officers.

The qualifications for the appointment of town police officers are established by State of Maryland, Code of Maryland Regulations (COMAR) as amended, Title 12 Department of Public Safety and Correctional Services Subtitle 04 Police Training and Standards Commission Chapter 01 General Regulations, Department General Orders, and the Town personnel manual.

(b) Appointment of officers to the Department will be for a probationary period of one (1) year after 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 to the Town Manager. If an officer's performance in this probationary period is unsatisfactory, the officer shall be notified in writing to that effect by the Chief of Police, and the officer's continued service with the Department shall be terminated. The chief of police may extend an officer's probationary period for no more than six (6) months. Any termination shall be in accordance with state law, the Town's personnel manual, and Department general orders where applicable.

§ 53-6. Training of Newly Appointed Police Officer.

(a) Each newly appointed officer of the Department 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 the Department. If a prospective officer does not receive passing grades in all Maryland Police Training Commission Requirements, the officer's employment will be terminated.

(b) As a condition of employment and prior to being enrolled in a police training facility, a prospective officer must sign an agreement with the Town under which the officer agrees to

serve a defined period of time, as determined by the Chief of Police, as a sworn officer subsequent to the successful completion of the basic law enforcement training certification course. The agreement shall further provide that if the officer terminates employment before the expiration of this period, the officer shall be required to reimburse the Town for the cost of the basic law enforcement training and any subsequent training received before the termination of employment, and that such reimbursement shall be withheld from the officer's final paycheck to the extent funds are available.

§ 53-7. Oath Required.

Upon an officer's appointment to the Department, the officer 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 be under the Chief's authority.

§ 53-8. Civilian Employees:

Civilian employees of the police department shall include all employees who have not been sworn in as police officers, such as clerks, radio dispatchers and any other employee who may be hired.

The conduct of civilian 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.

§ 53-9. Limitation on Cooperation with Immigration Authorities.

(a) The enforcement of civil federal immigration laws is exclusively the responsibility of the federal government. The Department's officers do not have legal authority to stop, detain, search, or arrest an individual based solely on an administrative (civil) warrant, unless they have been deputized by ICE to do so. Department officers are not permitted to be deputized by ICE for the enforcement of civil federal immigration laws.

(b) The Department and its officers are limited in their cooperation with immigration authorities in order to:

- (1) Improve the safety and security of all residents; and
- (2) Enhance engagement with immigrant and other vulnerable communities, with assurance that such engagement will not be used to assist in civil immigration enforcement; and
- (3) Protect the constitutional rights of all Town residents; and
- (4) Provide access to Town services regardless of immigration status.

§ 53-10. Requesting Information Prohibited.

(a) Neither the Department nor any department officer or employee may request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or investigation is required by law or court order, or if such inquiry is material to a criminal investigation, provided that such information is not used for civil immigration enforcement purposes.

(b) If the citizenship or immigration status of an individual is relevant to protections accorded to them under any state or federal law, or required by any international treaty, a Department officer or employee may notify the individual of the relevant protection or requirement and provide the individual an opportunity to voluntarily disclose his or her status or citizenship.

§ 53-11. Specific Prohibited Actions.

(a) No officer or employee may initiate an investigation or otherwise take law enforcement action solely based on the actual or perceived immigration status of a person, including the initiation of a stop, apprehension, arrest, or any other field of contact.

(b) No officer or employee may require persons to prove their citizenship status, country of origin, or information related to their immigration status in the United States. Officers and employees may not request identification for the sole purpose of determining a person's immigration status.

(c) No officer may prolong a traffic stop or otherwise detain an individual solely for questions related to a person's immigration status.

(d) No officer may include inquiries about immigration status in routine questioning when a person is being interviewed about potential traffic or criminal offenses, unless such inquiry or investigation is required by law or court order, or if such inquiry is material to a criminal investigation, provided such information is not used for civil immigration enforcement purposes.

(e) No officer may stop, search, arrest or detain a person based on an administrative warrant, an immigration detainer, or any other directive by DHS, or a belief that the person is not present legally in the United States or has committed a civil immigration violation.

(f) No officer or employee may:

(1) Contact any immigration enforcement official, including but not limited to ICE officers, regarding a person who may be the subject of an administrative warrant or an immigration detainer unless that person is the subject of an active criminal warrant requiring such action;

(2) Detain a person based on an administrative warrant or immigration detainer, or

otherwise comply with an administrative warrant or immigration detainer after that person becomes eligible for release from custody;

(3) Detain a person based solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation.

(d) No officer or employee may coordinate with an immigration enforcement official in furtherance of a civil immigration enforcement operation, including by:

(1) Permitting immigration enforcement officials access to non-public space within a Town facility or any area where Town business is being conducted;

(2) Permitting immigration enforcement officials access to a person being detained by, or in the custody of, the officer or Department;

(3) Permitting immigration enforcement officials to use Department facilities, information, or equipment for investigative interviews or other investigative purposes;

(4) Communicating any information about an individual who is the target of a civil immigration enforcement operation with immigration enforcement officials; or

(5) Notifying immigration enforcement officials that an individual has been released from custody unless the individual has been charged with or convicted of a violent crime under Maryland law.

§ 53-12. Specific Permitted Actions.

(a) Officers shall detain an individual when a criminal immigration warrant is located in the NCIC database until confirmation with ICE is made that the warrant is active. Confirmation that the criminal immigration warrant is active is required for further detention, arrest, or search incident to arrest is made. Detention awaiting confirmation shall not exceed sixty (60) minutes, in accordance with routine NCIC "hit" confirmation procedures. All such incidents shall be documented on a case report record.

(b) Officers and employees must notify foreign authorities when foreign nationals are arrested or otherwise detained in the United States

(c) Officers and employees may assist ICE officers and employees in implementing ICE's jurisdictional responsibilities including, but not limited to the investigation and enforcement of federal criminal laws related to customs violations, money laundering, narcotics violations, gang crimes, human trafficking, terrorist activities, and other areas of criminal law, and the execution of criminal warrants or court orders issued by federal judges or magistrates.

(d) Nothing in this Chapter prohibits officers and employees from responding to or

remaining on the scene of any federal criminal law enforcement investigation, or to assist with officer or public safety.

§ 53-13. Compliance with Federal Law.

No provision of this Chapter shall be interpreted as preventing a Department officer or employee from sending to or receiving from any local, state, or federal agency information regarding the citizenship or immigration status of an individual pursuant to Sections 1373 and 1644 of Title 8 of the United States Code. If any provision of this Chapter conflicts with federal law, federal law shall prevail.