



GENERAL ORDER ADM-15 ACCESS TO RESTRICTED FILES

EFFECTIVE MARCH 14, 2014

This General Order contains the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. PROCEDURES
- IV. CANCELLATION

I. POLICY

The Howard County Department of Police (HCPD) shall maintain all files, records and information in a strictly confidential manner in accordance with all State and Federal laws. The HCPD shall provide public access to files as appropriate. The HCPD shall deny the public review and release of restricted files when it is deemed contrary to the public interest or in conflict with the law. All documents to be released outside of the HCPD must be completed through the Custodian of Records, or his designee.

II. DEFINITIONS

A. Restricted Files: All files, reports, records and information maintained, in any form, by any of the below components shall be deemed as Restricted Files:

1. The Employment Services Division (i.e. Personnel Files, Applicant Files, Medical Files, Polygraph Records). This shall include all Personnel Files maintained by any Command, Bureau, Division, Section, or Unit relating to an individual's performance, disciplinary measures or evaluations.
2. The Internal Affairs Division including complaints filed against an individual, investigative materials, charging documents, and records of final disposition.
3. The Vice and Narcotics Division records to include the case files related to active investigations, and those pending disposition, intelligence reports, written material which could lead to the identification of a confidential informant or undercover investigator, all records (both written and audio tape) of court-ordered wiretaps, and any other file designated by the Division or Bureau Commander.
4. The Criminal Investigations Division (i.e. case files pending court disposition, under active investigation or any other file designated by the Division or Bureau Commander).

B. Review: Within this general order, the term "review" shall mean visually inspect, examine, and read.

C. Release: Within this general order, the term "release" shall mean to allow the documents to be reviewed, copied or reproduced in any form and/or disseminated.

III. PROCEDURES

A. Requests for the review or release of restricted files maintained by the **Internal Affairs Division** shall be denied to anyone other than:

1. The Chief of Police, his direct designee or authorized representative.
2. The Commander of the Internal Affairs Division or his direct designee.

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3. The employee who is/was the subject of the investigation or his representative (once the investigation has been concluded and any hearing or trial board adjudicated, or as required under the Law Enforcement Officer's Bill of Rights).
 4. Members of a Police Hearing Board convened to hear charges against the employee (designated files as approved by the Office of Law).
 5. Representatives of police, governmental agencies, or other prospective employers, when they provide positive identification and an Authorization of Consent for Release signed by the officer or employee and such access is not in conflict with the law.
 6. Division or Bureau Commanders for the sole purpose of examining complaint history, after the investigation of a personnel complaint.
 7. The complainant, but limited solely to the documents submitted by them in support of the complaint.
 8. In response to a Subpoena or Court Order after appropriate action has been taken by the Office of Law and/or a private review by the Court.
 9. The assigned HCPD legal advisor or other attorney in the Office of Law, when necessary for representation of a member of the HCPD and/or the County.
- B. Requests for the review or release of restricted files maintained by the **Employment Services Division** or any personnel file maintained by any Command, Bureau, Division, Section, or Unit shall be denied to anyone other than those listed here who may also be restricted from medical information:
1. The Chief of Police, his direct designee or authorized representative.
 2. The Commander of the Human Resources Bureau, the Employment Services Division's Administrative Aide or their direct designee.
 3. The County Personnel Administrator, his direct designee or authorized representative.
 4. The employee who is/was the subject of the Personnel File.
 5. The employee's immediate supervisor, and/or supervisors in the chain of command, on an "as needed".
 6. Members of the Internal Affairs Division when conducting an investigation.
 7. Risk Management when preparing to represent the County for Worker's Compensation issues.
 8. In response to a subpoena or court order, or as otherwise required by law, after consultation with and/or appropriate action taken by the Office of Law and or in camera review by the court.
 9. Members of a Police Hearing Board convened to hear charges against the employee.
 10. Representatives of police, governmental agencies, or other prospective employers, when they provide positive identification and an Authorization of Consent for Release signed by the officer or employee and such access is not in conflict with the law.
 11. The Supervisor of the Quality Assurance Unit.

12. Portions of an employee's personnel file may be releasable under Maryland PIA, after consultation with the Office of Law or as under Maryland law.
 13. The assigned HCPD legal advisor or other attorney in the Office of Law, when necessary for representation of a member of the HCPD and/or the County.
 14. In response to a Subpoena or Court Order after appropriate action taken by the Office of Law and/or a private review by the Court.
- C. Requests for review or release of restricted files maintained by the **Vice and Narcotics Division or Criminal Investigations Division** shall be denied to anyone other than:
1. The Chief of Police, his direct designee or authorized representative.
 2. The Commanders of the Criminal Investigations Bureau, Criminal Investigations or Vice and Narcotics Divisions or their direct designee.
 3. Prosecutors and authorized staff of the Howard County State's Attorney's Office, the Attorney General's Office and the United States Attorney's Office who are actively involved in the preparation of a case handled by the Division.
 4. Members of law enforcement agencies who are requesting the information as part of an officially sanctioned criminal investigation, after approval of the Division or Bureau Commander.
 5. Members of other governmental agencies, where the release of such information serves valid law enforcement purposes.
 6. Members of the general public, where the release of such information would serve valid law enforcement purposes. Such release shall require the prior approval of the Division Commander and be in accordance with the Maryland PIA.
 7. When disclosure is required by subpoena, court order, the Maryland PIA, or other law, in consultation with the Office of Law and, where appropriate, in camera review by the court.
- D. Requests for the release or review of restricted files shall not be granted to anyone, not listed within this policy, without the prior approval of the Chief of Police, or pursuant to a court order or except as otherwise required by law. A violation of this General Order shall be grounds for disciplinary action.

IV. CANCELLATION

This General Order cancels and replaces General Order ADM-15, dated March 3, 1997.

AUTHORITY:



William J. McMahon
Chief of Police