

Chapter 30
POLICE DEPARTMENT

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12- 1-69. Section 30-5C amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable. Amended 11-16-98 by HB 98-03]

GENERAL REFERENCES

- Administration of government - See Ch. 4.
- Municipal infractions - See Ch. 20.

§ 30-1. Qualifications for employment. [Amended on 11-16-98 by HB 98-03]

To be eligible for appointment as a member of the Police Department, an applicant must meet the following qualifications:

A. Age.

An applicant:

- (1) Shall be 21 years old or older at the time of certification; and
- (2) May attend a certified police academy while younger than 21 years old, but may not perform law enforcement duties until the applicant is 21 years old and certified.

B. Citizenship.

An applicant shall:

- (1) Be a United States citizen; and
- (2) Submit documents supporting a claim of citizenship to the City for examination and retention.

C. Education.

An applicant:

- (1) Shall possess a high school diploma issued by a high school or one recognized by the State Board of Education; or
- (2) Possess a General Education Development (GED) certificate or diploma issued by Maryland or another state or recognized by the State Board of Education.

D. Physical and Mental Health Examination.

An applicant:

- (1) Must be able to successfully complete a physical and psychological examination that determines that the applicant is physically and mentally fit to perform the duties of a police officer as determined by the City and the Maryland Police and Correctional Training Commission.

E. Background and Criminal History Investigation.

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An applicant:

Must be able to successfully complete a background and criminal investigation, including checks of neighborhood areas, high school records, past or present employers, references, fingerprint and driving records.

Written or Oral Examinations.

An applicant:

Must be able to successfully pass a written or oral examination that may be required by the police department and approved by the City's Personnel Officer.

§ 30-1.1 Police Officers; Powers and Duties. [Added on 11-16-98 by HB 98-03]

A. The Chief of Police is the commanding officer and administrative head of the Police Department. By virtue of authority vested in him, he shall issue from time to time orders setting forth the authority, responsibilities and duties of various ranks and positions established within the Department.

B. Members of the Department shall exercise full police authority under the Annotated Code of Maryland on all land, water and air within the territorial limits of the City.

C. The Chief of Police shall be responsible for the preservation of the peace, the maintenance of order, the prevention and detection of crime and the enforcement, within the City, of all laws, regulations and ordinances over which the police department has jurisdiction.

D. The Chief of Police shall ensure that members of the force properly perform their police duties, that their rules and regulations of the Department are strictly enforced and that discipline in the Department is rigidly maintained.

§ 30-2. Active duty. [Amended on 11-16-98 by HB 98-03]

A. Sworn police officers and non-sworn personnel assigned to the police department shall work the hours prescribed in shift schedules approved by the Chief of Police or the Chiefs designee.

B. Sworn police officers shall be on call at all times and available for active duty at any time that they are not specifically authorized to be unavailable for call or physically unable to perform the job task of a police officer.

§ 30-3. Attendance at meetings.

The Chief of Police or his duly authorized representative shall attend all regular meetings of the City Council and such special meetings as the Mayor may require.

§ 30-4. Monthly report.

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The Chief of Police shall, at a regular meeting of the City Council in each month, lay before the City Council a full and complete statement of all work done by his Department during the preceding month.⁶

§ 30-5. Disposition of certain personal property confiscated by Department.

A. All personal property, equipment and incidental articles which may be turned over to, found, recovered or otherwise acquired or possessed by the City Police Department, with the exception of motor vehicles of whatever nature, shall be held by the Police Department for a period of six (6) months, and, if not identified, returned to or claimed by the owner or owners thereof, then the property, in question shall be deemed forfeited, and all rights in and to the property in question shall be foreclosed and lost to the owners and claimants.

B. The Chief of Police may appoint or designate from his police force a member or members to act as property custodians. The property custodians shall keep a complete record, under the direction and supervision of the Chief of Police, of all property and money coming into the possession of the Police Department under the provisions of this section. Such record shall include, among other pertinent information, the name of the person delivering the property to them, the date of delivery, name of the owner, if known, and detailed information concerning the circumstances under which the property came into possession of the delivering party. All such property, with the exception of money, small valuables and firearms, shall be stored at the City warehouse until claimed by its owners or otherwise disposed of in accordance with this section.

C. The Chief of Police, subject to the approval of the City Council, shall inventory all personal property in possession of the Police Department every six (6) months, 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 confiscated, and all rights thereto forfeited as herein provided. The Chief of Police, subject to the approval of the City Council, shall sell all such property held for more than six (6) months at public auction for cash. The proceeds of such sale are to be paid to the City Treasurer for deposit into the general fund of the City after first deducting the cost of the sale. Such sale shall be advertised for at least two (2) weeks prior to the sale date in some newspaper having a general circulation within the City or by handbills, or both, in the discretion of the Chief of Police.

§ 30-6. Mutual aid and reciprocal enforcement agreements. [Amended 3-21-05 by HB 05-03]

A. Authority. The City shall have the authority to enter into mutual aid and reciprocal enforcement agreements with other police agencies in and outside of the state of Maryland. Such agreements shall enable City police officers to enforce state law and the laws of such other jurisdiction(s) within the territory of such other jurisdiction(s) with the protections/immunities granted by law to police officers and/or to allow the police officers of such other jurisdiction(s) to enforce the City's Code and laws within the City.

⁶ Editor's Note: Original § 2-30, Compensation and leave when member is injured in line of duty, which immediately followed this section, was repealed 6-1-81 by HB No. 6-81. In addition, original §§ 2 -31, Promotions, and 2-32, Recommendation to City Council as to employment of personnel, which sections also immediately followed this section, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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B. Procedures. All such agreements shall be entered into as follows:

(1) Any mutual aid and/or reciprocal enforcement agreement with an indefinite duration or a duration of more than sixty (60) days must be approved by the City Council by motion or resolution after consultation with its police department, the City Administrator or designee and the City Attorney.

(2) Any mutual aid and/or reciprocal enforcement agreement with a stated duration of sixty (60) days or less may be approved by the City Administrator after consultation with the Police Department and the City Attorney.

C. Required terms. Every agreement pursuant to this section shall provide the following:

(1) Each party to the agreement must waive any and all claims it may have against the other parties to the agreement that may arise out of activities outside that party's respective jurisdiction; and

(2) Each party shall indemnify and hold harmless the other parties to the agreement from all claims that are made by third parties for property damage or personal injury and that may arise out of the activities of the other parties to the agreement outside their respective jurisdictions under the agreement.

D. Existing agreements. At the time of enactment of this ordinance, which date is March 21, 2005, any mutual aid and/or reciprocal enforcement agreement entered into by the City Administrator or the Chief of Police, be and hereby is declared to be valid provided it conforms to subsection (c) immediately above.