

RESOLUTION NO. 2009-22

A RESOLUTION OF THE TOWN OF ST. MICHAELS APPROVING AN AGREEMENT BETWEEN THE MARYLAND STATE POLICE, THE ST. MICHAELS POLICE DEPARTMENT AND OTHER STATE AND LOCAL LAW ENFORCEMENT AGENCIES PERTAINING TO THE TALBOT COUNTY DRUG TASK FORCE

WHEREAS, the St. Michaels Police Department, the Maryland State Police, the Talbot County Sheriff's Department and other state and local law enforcement agencies jointly operate the Talbot County Drug Task Force in order to more efficiently and effectively enforce the criminal laws of the State with regard to illegal drugs; and

WHEREAS, the Commissioners of St. Michaels recognize the vital role the Drug Task Force plays in combating criminal activity in the Town and the County; and

WHEREAS, the St. Michaels Police Department and the other participating agencies desire to enter into a new agreement extending the Task Force for an additional two years; and

WHEREAS, the Commissioners of St. Michaels find that continued participation in the Drug Task Force is in the best interests of the Town and will inure to the benefit of the Town and its residents. A copy of the Talbot County Drug Task Force Agreement is attached hereto as Attachment "A".

NOW THEREFORE, the Commissioners of St. Michaels hereby resolve as follows:

Section 1. The Talbot County Drug Task Force Agreement attached hereto as Exhibit "A" is hereby approved and the Chief of Police is authorized to execute and deliver the Talbot County Drug Task Force Agreement on behalf of the Town.

Section 2. This Resolution shall become effective immediately upon the affirmative vote by a majority of the Commissioners of St. Michaels.

THIS RESOLUTION HAVING BEEN INTRODUCED AND PASSED by a yea or nay vote of the Commissioners of St. Michaels on this 28th day of October, 2009.

Brady -	<u> yea </u>
Clark -	<u> yea </u>
Dinkel -	<u> yea </u>
Hunt -	<u> yea </u>
Snyder -	<u> yea by absentee ballot </u>

I HEREBY CERTIFY that the above Resolution was passed by a yea and nay vote of the Commissioners of St. Michaels on this 28th day of October, 2009.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS


Cheril S. Thomas, Town Clerk/Manager

By:  (SEAL)
Michael W. Brady, President

ATTACHMENT "A" TO RESOLUTION 2009-22

TALBOT COUNTY DRUG TASK FORCE AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2009, by and between the Department of State Police, the Natural Resources Police, the Sheriff of Talbot County, the Chief of the Easton Police Department, the Chief of the Trappe Police Department, the Chief of the Oxford Police Department, the Chief of the St. Michaels Police Department and the State's Attorney for Talbot County.

WHEREAS, the parties have determined that, as law enforcement units with responsibilities for the enforcement of the criminal law respecting controlled dangerous substances, and the common good of the residents of Talbot County, they may make more efficient use of their resources and enforcement service to the public through the formation of the Talbot County Drug Task Force, hereinafter referred to as the "Task Force."

NOW, THEREFORE, the parties do hereby agree as follows:

I. PARTIES

The parties to this Agreement are the Department of State Police, the Natural Resources Police, the Sheriff of Talbot County, the Chief of the Easton Police Department, the Chief of the Trappe Police Department, the Chief of the Oxford Police Department, the Chief of the St. Michaels Police Department and the State's Attorney for Talbot County.

II. PURPOSE

The purpose of this Agreement is to coordinate a multi-agency law enforcement task force, the personnel and resources of which shall be directed at violations of the Maryland Controlled Dangerous Substances Laws as codified in the Annotated Code of Maryland, as amended from time to time.

With this understanding, the stated intent of the Task Force is as follows:

- A. In addition to the normal and ordinary investigations into controlled dangerous substance violations as conducted by the individual parties, the parties agree to conduct investigations jointly. These investigations shall include person(s) involved in the possession, distribution, manufacturing, and trafficking of those substances, which violate Maryland Controlled Dangerous Substances Laws.
- B. The Department of State Police, the Office of Sheriff of Talbot County and the Easton Police Department shall conduct investigations into the financial activities of those individuals or entities, who violate or conspire to violate the controlled dangerous substances laws of the State of Maryland, with a view to seizing assets and other traceable proceeds subject to forfeiture pursuant to the Annotated Code of Maryland, Criminal Procedure Article, Title 12 (2001), as amended from time to time, or the United States Code.
- C. The State's Attorney for Talbot County shall provide adequate resources to ensure that all drug related cases generated by the Talbot County Drug Task Force, both criminal and civil, are prosecuted in accordance with applicable law.

III. SOURCE OF POLICE AUTHORITY

The Task Force shall be staffed with law enforcement officers from the Department of State Police, Office of the Sheriff of Talbot County and the Easton Police Department. It is the intention of the departments that each law enforcement officer assigned Task Force duties will remain a member of their respective Agency for all purposes, specifically including, but not limited to, immunities from liability in civil actions, right to counsel as defendants in civil actions, and worker's compensation. It is not the intention of any party to the Agreement to either limit or expand any of the immunities currently enjoyed by law enforcement officers as members of their respective agencies. Officers assigned Task Force duties shall do nothing which conflicts with their agency's policies or the laws of the State of Maryland or the United States.

IV. ORGANIZATION

- A. Advisory Board - The Task Force will be governed by an Advisory Board. The purpose of the Advisory Board is to establish the goals and objectives of the Task Force and to ensure they are met.
- B. Advisory Board Chairman- The chairman shall be elected from the members of the Board by majority vote. The term of the chair shall begin on July 1 and end on June 30 of the following year. Nothing herein shall prohibit consecutive terms.
 - 1. Voting Members.
 - a. The voting member of the Advisory Board shall consist of the following:
 - i. The Maryland Department of State Police Superintendent or designee.
 - ii. The Sheriff of Talbot County or designee.
 - iii. The Chief of the Easton Police Department or designee.
 - iv. State's Attorney of Talbot County or designee.
 - v. Associate Member as Advisory Board Chairman or designee.
 - vi. Any other department that meets staffing requirements.
 - b. It is agreed by the parties hereto that each voting member of the Advisory Board shall have one (1) vote which shall be cast at regularly scheduled Advisory Board meetings when a vote is necessary or appropriate under this Agreement or any agreement pertaining to the Task Force and its activities. It is agreed that the decisions of the Board are advisory and will be submitted to the individual agencies as recommendations. The final decision as to the Task Force and the activities of the assigned personnel shall rest with the individual member agencies contributing those personnel.
 - c. A member agency will retain its Voting Member status provided that they fulfill their manpower commitment to the Drug Task Force as specified in IV.B.2 for at least 8 months during any 12 month period or provide the required monetary contribution as defined in Sec 3 (a).

Exception: An Associate Member or their designee will be exempt from the above manpower commitment during their tenure as Advisory Board Chairman.

- d. If a Voting Member is unable to maintain their manpower commitment or their financial contribution as defined in Sec 3 (a), they will revert to an Associate Member status the 4th month following the vacancy or the failure to provide the required monetary contribution.

2. Associate Members

The Superintendent, or designee, of the Maryland Department of Natural Resources, Barrack Commander, or designee of the Maryland State Police Easton Barrack, and the Chief, or designee, of any Talbot County municipal police department.

Any associate member, with the exception of the Maryland State Police Easton Barrack Commander, may be elevated to voting member status by assigning at least one (1) investigator to the Task Force on a full-time basis, or while serving as Advisory Board Chairman or designee.

3. Member Contributions to the Drug Task Force

- a. While it is the preference of the Advisory Board that law enforcement agencies contribute manpower to the Task Force to obtain voting rights on the Advisory Board it is understood that manpower constraints may not allow some of the Departments that option. To allow for all of the Law Enforcement Agencies within Talbot County to participate in the Task Force monetary contributions will be accepted based on the authorized strength of these departments. The formula for calculating the required monetary contribution will be \$5,000 for a department with less than 12 full time sworn law enforcement officers and \$10,000 for a department with 12 or more full time sworn law enforcement officers.
- b. All Members will be required to provide in-kind contributions or services to the drug task force as agreed upon by the Advisory Board. Annually, the Task Force Advisory Board shall review the in-kind contributions of all member agencies during the first meeting of the year.

4. Liaison Officers

To facilitate communications between member agencies, each member agency may appoint a liaison officer. The liaison officer shall keep abreast of the Task Force activities, and will be responsible for keeping Advisory Board members informed of such activities. Liaison officers will facilitate the acquisition of resources and additional personnel deemed necessary for the safe and efficient operation of the Task Force as directed by their member agencies.

5. Advisory Board Authority

To the extent not inconsistent with policies of the member agencies or laws, the Advisory Board shall recommend policy, rules, regulations, guidelines, and procedures, which affect the operation of the Agreement as listed below:

- a. The method of assigning personnel to and from the Task Force.
- b. The establishment of strict accountability for all funds and the manner in which reports are to be submitted by the respective agencies.

- c. Any other necessary and proper matters agreed upon by the participating member agencies.
- d. The Advisory Board may direct the resources of the Task Force to those areas deemed appropriate as a result of complaints, intelligence, trends, or investigations etc.

C. Task Force Personnel

1. Supervisor

While it is the intention of the parties that no single member law enforcement agency shall govern the Task Force, it is understood that day-to-day supervision and coordination of Task Force activities are necessary.

Therefore, the Department of State Police shall nominate a supervisor to supervise and coordinate the activities of the Task Force. The supervisor shall hold a supervisory rank of Corporal or above and have a minimum of two years experience with narcotics investigations. The Advisory Board may evaluate the nominee's credentials and either confirm or deny his/her appointment.

The Task Force supervisor will coordinate the activities of the Task Force with those of local, state, out-of-state, and federal departments and agencies to prevent unnecessary duplication of efforts and to promote the necessary exchange of tactical strategic intelligence information.

The supervisor will, in addition to the routine supervisor duties, compile and maintain statistics on arrests, charges, and drug and asset seizures on a quarterly basis in an effort to help determine the effectiveness of the Task Force.

A. Personnel

Each voting member agency will contribute personnel to the Task Force in the following numbers:

- a. The Department of State Police will assign one experienced investigator to work in the task force on a full time basis. This position is in addition to the supervisor. When manpower limitations permit, the MSP will contribute a second investigator to the Task Force. This commitment will be evaluated annually and is contingent upon available personnel as determined by the Superintendent of the Maryland State police.
- b. The Sheriff of Talbot County will assign at least one (1) deputy to work in the Task Force on a full-time basis.
- c. The Easton Police Department will assign at least one (1) officer to work in the Task Force on a full-time basis.
- d. The State's Attorney for Talbot County will commit adequate personnel and resources to assure the proper handling of Task Force drug-related cases.

- e. Any Talbot County municipal police department may be elevated to a voting member status by assigning at least one (1) investigator to the Drug Task Force on a full-time basis.

An Associate Member or their designee will be exempt from the above manpower commitment during their tenure as Advisory Board Chairman.

B. Operations

All salaries, overtime, pensions, relief, disability, worker's compensation, right to indemnification, right to counsel, and other benefits enjoyed by personnel assigned to Task Force duties through their respective agencies shall extend to them during their assignments to Task Force duties and each member will be paid by his or her respective agency.

All officers assigned to the Task Force shall adhere to all Department of State Police policies and procedures concerning the conduct of the Task Force investigations unless these policies and procedures conflict with those of the other member agencies. All conflicts will be resolved by the Advisory Board. Task Force officers shall adhere to their respective agency's policies and procedures in all other matters.

Conduct which may require disciplinary action against an officer assigned to Task Force duties will be reported through the Task Force supervisor to the liaison officer of the affected officer's agency. Notwithstanding the outcome of such disciplinary action, as may be imposed, the officer may be relieved of Task Force duties at the request of simple majority of the Advisory Board.

It is recognized by the parties that officers assigned to the Task Force, who have had no previous special instruction in narcotics law enforcement methods, will require such training as soon as possible. Such training will be provided by the Department of State Police at no cost to the member agency.

The Department of State Police will provide training in the art of financial investigations, as well as the seizure and forfeiture of assets at no cost to the members of the Task Force and its associate members.

Training that is required or made available to Task Force personnel shall in no way be considered as a diminution of a party's personnel contribution, unless such training period exceeds eight (8) weeks annually.

Refresher courses and seminars for all Task Force personnel shall be encouraged by the Advisory Board. In those instances when the Department of State Police cannot provide elective training at no cost to the member, expenses for the training shall be the burden of the respective member agency. At the discretion of the Task Force Advisory Board, funding may be provided if the training directly relates to drug investigative techniques or procedures.

The employees of each department assigned to the Task Force shall remain employees of such department and shall not be considered employees or agents of any other department. No party to the Task Force accepts responsibility or liability for the actions

of employees of any other department.

The Department of State Police Special Tactical Assault Team Element (S.T.A.T.E. Team) or local tactical team may be utilized, at the discretion of the Task Force supervisor, as the primary search and seizure warrant entry force.

V. MEETINGS

Each meeting will be chaired by the chairman or their designee.

The Board shall meet quarterly and may meet in such additional sessions as deemed necessary by its Chair. Meetings shall require 72 hours notice to all Board members. At any meeting, the Board may consider any matter which appears on the agenda or any other matter agreed upon to be considered by members of the Board.

Each meeting will be attended by the members of the Advisory Board or their designees, each member's agency's Task Force liaison officer, and the Task Force supervisor, or their designees.

VI. PRESS RELEASES

The supervisor shall prepare all press releases relating to task force activities. The Talbot County State's Attorney's Office will approve each prior to media release. All press releases will be reported in the name of the Talbot County Drug Task Force.

The Talbot County State's Attorney or his/her designee will be the spokesperson for the Talbot County Drug Task Force.

VII. FUNDING

A. Equipment

All member agencies will provide weapons, ammunition, police radios and vehicles, including the cost of operation, repair and maintenance, to the officers they assign to the Task Force. The Advisory Board may also elect, after securing approval as may be necessary from the funding body of the member agency, to recommend the contribution of other equipment deemed necessary for the efficient and effective operation of the Task Force.

At least annually, the Talbot County Narcotics Task Force Supervisor and a designated member of the Advisory Board will conduct an audit of all items under inventory control annually.

B. Operating Expenses

The members agree to share the expenses of the office space, utilities, security and maintenance, etc., in such proportion as the Board deems necessary and appropriate. Each member agency agrees to provide desks, chairs, cabinets, typewriters, etc., for its respective task force personnel and other incidental items as recommended by the Board, to the extent possible.

Office supplies, such as pads, pencils, pens, cameras, film, tape recorders and tapes, forms, safes, evidence storage lockers and facilities, evidence containers, labels, and other similar office supplies commonly found in investigative offices, will be supplied by the Maryland State Police or purchased from local vendors utilizing task force funds, as agreed upon by the Advisory

Board.

Task Force officers will work out of a single office, which will be maintained separately from normal agency offices, unless circumstances dictate otherwise. This will provide for a greater degree of cooperation and coordination and, thereby, enhance enforcement efforts. The location of the Task Force office will be approved by the Advisory Board.

C. Expenditures

The Department of State Police will provide funds for the purchase of drugs as evidence in Task Force cases in accordance with the Department of State Police investigative policies and procedures. At the discretion of the Task Force Advisory Board, reimbursement may be made to the Department of State Police for significant drug purchase expenditures or investigative expenses.

The Department of State Police will provide funds for payments to informants for information and expenses in Task Force cases. The amounts of such payments will be approved by the Task Force supervisor in accordance with established Department of State Police policy and procedures.

The Department of State Police will provide funds to pay for investigative expenses directly related to Task Force cases. The amount of such expenses will be approved by the Task Force supervisor in accordance with established Department of State Police policy and procedures.

The Department of State Police will provide "flash rolls," for drugs or imitation drugs in accordance with Department of State Police policy for the furtherance of Task Force investigations on an as needed basis;

It is the intention of the parties hereto that the Task Force shall be funded, to the extent permitted under state and federal law, by the proceeds of forfeitures resulting from Task Force operations. All funds derived from forfeited property shall be used only to provide for the continuing operation of the Task Force or for Task Force use in accordance with Section IV.C of the Talbot County Task Force Forfeiture Agreement.

D. Forfeited Funds

At the end of each fiscal year (June 30th), the Advisory Board may elect to disburse, equally among all participating agencies, all unspent funds exceeding \$200,000. The funds disbursed under this provision shall be held in the form of a credited account ledger maintained by the drug task force supervisor.

E. Annual Audit

The Task Force Advisory Board will ensure that an annual financial audit is completed of Task Force funds and will be completed by October 1st following the end of the fiscal year. An audit may be conducted at any other time by request with cause by any member of the Task Force Advisory Board. Any cost of this audit may be paid by Task Force funds. The results of the said audit will be reported to the Advisory Board.

V. FORFEITURE OF CONTRABAND AND DISTRIBUTION OF PROCEEDS

- A. It is the intent of the parties hereto that the Task Force shall use the proceeds from forfeiture proceedings to ensure that the operating expenses and agreed upon capital purchases of the Task Force are fully funded.
- B. Forfeited property committed to Task Force use will supplement, not supplant, current or future budgets of the Department of State Police, the Sheriff of Talbot County or the Easton Police Department. All property forfeited under Federal law and shared with the Task Force shall, as required by Federal law, be committed to Task Force use and shall not otherwise violate the United States Attorney's Office Guidelines for Utilization of Federally Shared Assets.
- C. The Task Force Supervisor, or designee, shall maintain a record of every item of property seized by the Task Force. Such record shall reflect:
 - 1. The date the property was seized;
 - 2. An identifying description including serial or registration number(s) if any;
 - 3. The name of the person last known to be in possession of the property;
 - 4. The names of any persons known to have had possessions of or a property interest in the property;
 - 5. Task Force case numbers;
 - 6. Lien amount, if any;
 - 7. Approximate value of said property;
 - 8. Final disposition of distribution of the property;
 - 9. Notification to the appropriate authority to ensure commencement of forfeiture proceedings.
- D. Forfeiture proceedings will be brought against all property seized by the Task Force if deemed to be practical and lawful and shall be distributed in accordance with federal and state law or local ordinance.
- E. The Board shall ensure the establishment of the necessary accounts and fiscal procedures to provide for the strict accountability of all forfeited funds converted to the use of the Task Force.
- F. At the end of each fiscal year (June 30th), the Advisory Board may elect to disburse, equally among all participating agencies, all unspent funds exceeding \$200,000. The funds disbursed under this provision shall be held in the form of a credited account ledger and is subject to the audit guidelines listed in Sec VII (E).

IX. TERM OF AGREEMENT

The term of this Agreement shall be the fiscal year, July 1 through June 30. This Agreement shall become effective upon the date of its approval and execution by the parties hereto. Unless terminated in accordance with the provisions of this Agreement, this Agreement shall be

automatically renewed each fiscal year. This agreement shall be reviewed every two years by the Advisory Board and approved by the signatories of this agreement.

X. SEVERABILITY

If any provision of this Agreement shall be deemed invalid by a court of competent jurisdiction, the remainder of this Agreement, to the extent lawful, shall remain in full force and effect.

XI. TERMINATION

Each party to this Agreement shall have the absolute right to withdraw its participation under this Agreement by providing thirty (30) days written notice to the Advisory Board Chairman. Upon withdraw of said agency they are entitled to remove and recover all property owned by said agency.

This agreement may be terminated by majority vote held by the Task Force Advisory Board. Reasonable time and resources shall be allowed for the Task Force personnel to complete pending investigations and prosecutions. Upon termination of this Agreement, all property acquired by the Talbot County Drug Task Force shall be distributed in accordance with this Agreement as follows:

- A. All property clearly identifiable as the property of a member agency shall revert to the control and the ownership of the member agency.
- B. All other tangible property acquired by the Talbot County Drug Task Force shall be distributed equitably between the Talbot County Sheriff's Office, Department of State Police and Easton Police Department based upon the personnel commitments of the Department of State Police, the Talbot County Sheriff's Office, and the Easton Police Department.
- C. All remaining funds shall be disbursed equally among all signatories to this agreement.

XII. BINDING EFFECT

The parties hereto agree that all covenants, stipulations, promises, agreements and provisions of this Agreement shall apply to, bind and be obligatory upon the parties hereto, their successors and assigns, or any of them.

XIII. NATURE OF THE TASK FORCE

The parties of this Agreement hereby declare their intention not to create a separate entity capable of suing or being sued in its own name. All incidental references in this Agreement to the Task Force or to its organization, governance, powers, financing, or property are merely short-hand references used for the convenience of the parties to describe the cooperative efforts of the parties. Any construction of this Agreement to the contrary is expressly prohibited, and is contrary to the intentions of the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____ day of _____, 2009.

Talbot County State's Attorney
Talbot County State's Attorney's Office

Superintendent
Maryland Department of State Police

Sheriff of Talbot County
Talbot County Sheriff's Office

Superintendent
Maryland Natural Resources Police

Chief, Easton Police Department

Chief, Oxford Police Department

Chief, Trappe Police Department

Chief, St. Michaels Police Department