

**MEMORANDUM OF AGREEMENT BETWEEN THE
HOWARD COUNTY POLICE DEPARTMENT
AND PRIVATE PROPERTY OWNERS**

This Memorandum of Agreement (“MOA”) is executed by the Howard County Department of Police (“HCPD”) and _____, a Private Property Owner (“PPO”).

I. PURPOSE

The purpose of the MOA is to outline procedures the HCPD will utilize to assist owners and managers of private property with the enforcement of the trespass laws and to identify the responsibilities of each party to the MOA. The HCPD intends to enforce these laws in an effort to have a positive impact on the community and have enforcement serve as an effective tool for the resolution of quality of life complaints.

This initiative will be achieved by:

- A. Having private property owners utilize the HCPD model ban letter to ensure consistency of content and information concerning banned individuals.
- B. Having banned individuals entered into the Records Management (RMS) system, which will enable officers on a scene to be able to easily identify trespass suspects.
- C. Having private property owners agree to adhere to the procedures set forth in the banning process.
- D. Ensuring that private property owners notify HCPD of all banned individuals.
- E. Ensuring that HCPD is notified of all approved appeals and allowance for a transitional time period for processing of paperwork and deletion of the individuals from the RMS system.

II. RESPONSIBILITIES AND PROCEDURES

- A. In banning individuals from their property, the PPO hereby agrees to utilize the ban letter included as Appendix A in HCPD General Order OPS-64. The PPO, by signing this Agreement, acknowledges receipt of the model ban letter contained in General Order OPS-64.
- B. The PPO shall ensure that all ban letters are on their official or business letterhead.
- C. The PPO shall be responsible for making certain that all information contained in the banning notice is true and accurate.
- D. The HCPD will not enforce a ban that exceeds one (1) year in duration.
- E. It is the responsibility of the PPO or an Authorized Representative to issue and serve the banning notice. The HCPD may not personally serve an individual with a banning notice for private property, except in unusual circumstances where an officer’s assistance facilitates valid law enforcement purposes. If the PPO is unable to locate an individual to serve a banning notice, the PPO or Authorized Representative, may contact the HCPD for assistance, on a case-by-case basis.
- F. The PPO shall ensure that their banning process contains an appeal procedure to a higher authority within their organization and that the appeal procedure is fully explained in the ban notice.
- G. When HCPD receives a properly executed banning notice from the PPO, HCPD shall enter the appropriate ban information in the RMS System and maintain a hard copy in the appropriate District’s Administrative Office until expiration of the ban letter or an appeal process is completed.

- H. Whenever the PPO wants a banned individual arrested or removed from its property, the PPO shall be present to identify the subject (if needed) and witness the ban. In addition, the PPO or an Authorized Representative agrees to provide a copy of the ban letter to the responding officer at the scene, if they are unable to provide a copy at this time the PPO or representative agrees to fax a copy of the ban letter to the appropriate District's Administrative office as soon as possible.
- I. Whenever HCPD provides information to the PPO, which may necessitate the banning of an individual, the PPO agrees to send a ban letter to the individual via certified mail and fax or mail a copy of the ban letter to Southern District Administrative Office as soon as possible of the certified letter being sent. The PPO must allow up to three (3) business days for the entry of the ban into the HCPD's Records Management System.
- J. Whenever an individual's ban is appealed and the appeal is granted, the PPO shall immediately notify the appropriate district's administrative office via fax and regular mail that the ban is rescinded. The PPO further agrees that if an appeal is approved, they will mail a certified letter to the subject stating the following:

"that their appeal has been approved, however, the ban will stay in effect for fourteen (14) days to allow for processing. Therefore, they must remain off the property until _____ (14 days from appeal's approval)."

III. TERM

The term of this Agreement shall be for a period of one (1) year from the date this MOA is executed by both parties. This Agreement will automatically renew each year, but may be terminated by any party upon thirty (30) days written notice to the other party.

IV. LIABILITY/INDEMNIFICATION

- A. The parties expressly acknowledge that HCPD is not acting as an agent for the PPO in performing its law enforcement activities under this Agreement. Subject to limitations otherwise imposed by law, each party shall be responsible for its own negligence or tortuous conduct (or the negligence or tortuous conduct of its respective officials, employees, agents and volunteers) arising out of this Agreement.
- B. To the fullest extent allowed by law, the PPO shall defend, indemnify and hold harmless the County from all claims, suits, judgments, expenses, activities, damages and costs of every kind and description arising out of or resulting from the negligence of the PPO, its servants, or agents under this Agreement.

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V. MODIFICATIONS

This MOA may be modified at any time by written consent of all parties. Modifications to this MOA shall have no force and effect unless such modifications are reduced to writing and signed by each party.

VI. AUTHORITY

By signing this MOA, each party specifically represents that he or she has the authority to enter into this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on _____, by affixing hereon their respective signatures.

PRIVATE PROPERTY OWNER

HOWARD COUNTY POLICE DEPARTMENT

By: _____
Name

Major Merritt A. Bender
Deputy Chief of Police
Operations Command

Title: _____