



**MISAHQ.com**

**MISA Best Practices for Security Agencies Licensing and  
Deploying  
Special Police Officers (SPOs) Under SB 0455 (SB 455)**

**Expanded and Detailed Guidance (Non-Regulatory)**

January 2026

*Prepared by the Maryland Investigators and Security Association (MISA)*

## What MISA is

MISA (the Maryland Investigators and Security Association) is a Maryland-based trade and professional association serving the state's licensed private investigation and security industry—including security agencies (both licensed and in-house), licensed private detective agencies, special police departments, security officers, private investigators, special police officers, supportive industry partners, and associated professionals. MISA is “the association for Maryland investigative & security agencies and professionals,” with a mission to unite licensed professionals, maintain professionalism and standards, advocate on industry-related legislative matters, provide resources and continuing education opportunities, and offer a forum for collaboration and growth.

In practical terms, MISA functions as an industry hub that (1) organizes membership (agency memberships and individual/associate-style memberships) and provides member benefits and community access, (2) maintains resources such as training-provider listings for security and special police training (with an explicit note that listing does not equal endorsement), (3) offers networking and professional development through events, member directory access, and information sharing, and (4) promotes professional expectations through a published Code of Ethics aimed at discouraging illegal or unethical behavior and raising standards in the profession. MISA endeavors to work with the Maryland State Police Licensing Division, the Maryland Police and Corrections Training Commission and the Maryland state legislature to further the professionalism, income, and goals of the security & investigations industry, both licensed agencies and in house agencies.

MISA is only open to:

- Maryland licensed security agencies
- Maryland licensed private detective agencies
- Special Police Agencies
- In house investigative, security, and special police agencies
- Individually licensed security guards, private detectives and special police officers

MISA invites persons who are licensed to practice security, investigative services, or special police to become members. The more members we have, the more we can affect change in Annapolis. Your opinion as members of MISA craft legislation. Your involvement is critical to the success of our industry. To join MISA, go to [MISAHQ.com](http://MISAHQ.com).

# READ FIRST - Critical Advisory

MISA requested the introduction and advanced SB 0455 to address a practical need: allowing qualified, regulated security guard agencies to obtain Special Police Officer (SPO) commissions for client properties while maintaining strict guardrails, accountability, and coordination with public law enforcement. (Maryland General Assembly)

**This authority can succeed only if agencies control and continuously monitor their personnel. SPOs are not general police officers and are not special police with statewide jurisdiction; their authority is commission- and property-limited. (Md. Code, Pub. Safety § 3-307)**

**Poor management, preventable civil-rights incidents, or sloppy supervision can rapidly undermine public trust and could trigger regulatory restrictions or legislative rollback of SB 0455 authority for security agencies. This document is designed to prevent that outcome by recommending conservative, audit-ready controls.**

**IMPORTANT: This document is guidance only. It is not law, not regulation, and not legal advice. It should NOT be adopted or referenced for policy purposes. Consult with legal experts and your attorney prior to adopting any policy or procedure.**

*Security agencies should consult qualified Maryland counsel before implementing or changing any policy or procedure that affects arrests, detentions, searches, use of force, weapons, training, uniform/vehicle markings, evidence handling, or court processes.*

Additionally, although MISA endeavors to work with government agencies, MISA is not a government agency and no government agency is directly affiliated with MISA. The text in this document is generated by MISA and not a publication of MSP, MPCTC, or the Maryland legislature.

*Conservative operating intent: This guidance is intentionally liability-first. It prioritizes constitutional compliance, tight supervision, and audit-ready documentation to protect the public, agencies, clients, and officers.*

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## Executive Summary

SB 0455 (SB 455) expands who may apply for Special Police Officer (SPO) commissions by authorizing qualifying security guard agencies to apply for SPO appointments to protect property owned or leased by their clients. (Maryland General Assembly)

This expansion does not create statewide police authority. SPO authority remains commission- and property-limited, and must be implemented with conservative controls to avoid civil-rights incidents, client harm, or reputational damage. (Md. Code, Pub. Safety § 3-307)

MISA's core message to security agencies is straightforward: you must control and monitor your employees to a policing-grade standard. That means professional training, strict supervision, body-worn cameras, and documentation strong enough to survive court review and civil litigation.

## Top Conservative Recommendations (Summary)

- Treat the commission boundary as a hard line; no mission creep beyond commissioned property. (Md. Code, Pub. Safety § 3-307)
- Interim enforcement position: do not conduct custodial arrests until statewide infrastructure exists, except true emergencies to prevent imminent harm.
- Require a pre-deployment constitutional refresher taught by an MPCTC-approved instructor on the 1st, 4th, and 5th Amendments, with testing and scenario evaluation, if the officer has not completed the 2025 curriculum approved by MPCTC.
- Require 24 hours of annual in-service training and maintain audit-ready records.
- Implement BWCs as a default requirement with retention, chain-of-custody, supervisor review, and discipline for non-compliance.
- Conduct an internal insurance review for arrests, detentions, assaults/use of force, and civil-rights exposure before deploying SPOs. (42 U.S.C. § 1983)
- Standardize logs (detentions, frisks/searches, property/evidence, and use of force) with timely supervisory review.

## SB 0455 Overview and Scope of Authority

### Plain-English Summary

SB 0455 authorizes qualifying security guard agencies to apply for the appointment of Special Police Officers to protect property owned or leased by the agency's clients. The intent is property protection and order maintenance on specified sites - not the creation of a statewide police force. (Maryland General Assembly)

### Non-Negotiable Limitation: Property- and Commission-Limited Authority

SPO authority is tied to the property described in the commission or assigned by the agency. Agencies must build policies and supervision systems that prevent off-property assertions of authority and prevent public confusion about whether the SPO is a government police officer. (Md. Code, Pub. Safety § 3-307; )

## Conservative Liability Doctrine

- When in doubt, disengage, document, and call public police.
- Assume every serious event will be reviewed by MSP, clients, courts, and civil counsel.
- If a lawful pathway is uncertain, do not improvise - escalation errors are predictable lawsuit generators. (42 U.S.C. § 1983)

## Definitions

*These definitions are used in this guidance to standardize language across policies, training, and reports.*

Term	Plain-English Definition (for this guidance)
Special Police Officer (SPO)	A commissioned officer with police powers limited to the property described in the commission; not a public police officer and not statewide jurisdiction. (Md. Code, Pub. Safety § 3-307)
Commission / Commissioned Property	The legal appointment and the specific property/locations listed in the commission where SPO authority may be exercised.
Custodial Arrest	Taking a person into custody (or creating a situation where a reasonable person believes they are not free to leave).
Detention (Investigatory Stop)	A temporary seizure for investigation. Traditional constitutional standard requires reasonable suspicion. ( <i>Terry v. Ohio</i> )
Pat-Down / Frisk	A limited outer-clothing weapons check based on reasonable <b>articulable</b> suspicion the person is armed and dangerous. ( <i>Terry v. Ohio</i> )
Search (Full Search)	A more intrusive examination (pockets, containers, bags) generally requiring probable cause, consent, or a lawful search incident to arrest. ( <i>United States v. Robinson</i> )
ORI (Originating Agency Identifier)	A federal identifier used to identify an agency in criminal justice systems. (28 C.F.R. § 25.2; <i>Morrissey 1</i> )
MDEC	Maryland Electronic Courts system used for charging documents and case processing. ( <i>Morrissey 1</i> )
METERS/NCIC/NLETS	Systems/directories referenced for validating identifiers and maintaining data integrity across charging documents. ( <i>Morrissey 1</i> )
BWC	Body Worn Camera(s)

## Governance, Supervision, and Compliance Program

### Minimum Program Roles

- Agency Principal / Licensee: accountable for program design, insurance posture, contracts, and compliance controls.
- SPO Program Manager: responsible for policy, deployment approvals, training compliance, and audit readiness.
- Shift Supervisors: responsible for real-time supervision and incident review.
- Professional Standards / Compliance: conducts quarterly audits of logs, BWC compliance, training files, and complaints.
- BWC Administrator: manages retention, chain-of-custody, access logs, and legal holds.
- Training Coordinator: maintains records and schedules required refreshers and in-service training.

### Records That Must Exist (Audit-Ready)

Agencies should maintain centralized files for each SPO and each commissioned property. At a minimum, maintain:

- Commission documents, property boundary maps, post orders, escalation triggers, and after-hours contacts.
- Training records (initial, refresher, annual in-service), written exams, scenario evaluations, and remediation.
- BWC policy, retention matrix, access logs, export logs, and legal-hold documentation.
- Incident reports, detention logs, frisk/search logs, property/evidence logs, and use-of-force reports.
- Complaints, internal investigations, findings, and corrective actions.

### Supervision Ratios and High-Risk Event Controls (Conservative)

- Require supervisor availability during peak enforcement hours and for any event involving force, restraint, frisk/search, or weapons.
- Require immediate supervisor notification for any detention exceeding agency-defined time limits or any refusal-to-comply escalation.
- Require supervisor review of bodycam and reports within a defined period (e.g., 24-72 hours) after serious incidents.

## Police Ethics and Professional Conduct Standards

SPOs operate with limited authority, but the public often perceives them as 'police.' Ethical failures become civil-rights exposure, contract termination risk, and reputational damage. Agencies should adopt a written ethics code aligned to professional policing norms. (International Association of Chiefs of Police)

Ethical, moral, and legal conduct in law enforcement is not optional—it is the foundation that makes lawful authority legitimate and sustainable. Officers are trusted with powers that can immediately affect a person's liberty, safety, and rights. Laws and policies set minimum boundaries, but ethics is what governs the critical moments in between: staying calm when someone is hostile, refusing to "cut corners" to get compliance, and writing reports that are complete and truthful even when the facts are inconvenient. When those standards fail, the damage rarely stays contained. Unethical conduct can collapse prosecutions, generate major civil-rights liability, erode community cooperation, and destabilize entire agencies. In the most visible cases, misconduct can produce worldwide consequences. The George Floyd incident in 2020—recorded and rapidly shared—helped drive global protests and years of scrutiny and reform debates, showing how one event can become a legitimacy crisis for law enforcement far beyond the original jurisdiction, specifically resulting in the law enforcement accountability act in Maryland.

### **Ethical guide for law enforcement actions (practical and enforceable):**

- **Legality first:** Act only when you have lawful authority and jurisdiction. Never "look for a reason" after the fact.
- **Minimum necessary action:** Use the least intrusive option that safely resolves the situation (verbal direction → de-escalation → disengage/call for help).
- **Proportionality:** Force, restraint, and detention must match the threat and be reduced as soon as the threat drops.
- **Impartiality:** Do not enforce based on attitude, insults, politics, or personal dislike. No retaliation for speech or recording.
- **Truthfulness:** Reports must be accurate, specific, and complete—no exaggeration, no omissions, no "boilerplate" justifications.
- **Accountability:** Record enforcement contacts (BWC), preserve evidence, and cooperate with supervision and audits.
- **Duty to intervene and report:** If a colleague is crossing the line, you stop it when feasible and report it through policy channels.

- **Respect and professionalism:** Treat people with dignity; clear commands, controlled tone, and consistent procedures reduce conflict and complaints.
- **Stewardship:** Treat property, evidence, and authority as trust items—proper chain of custody, secure storage, and documented transfers.

### Core Ethical Duties (Minimum)

- Legality and restraint: take the least intrusive lawful action consistent with safety.
- Integrity: truthful reporting; no exaggeration; no omission of key facts.
- Impartiality: no retaliation for speech or recording; no selective enforcement for personal reasons. (*City of Houston v. Hill*)
- Professionalism: calm demeanor; respectful language; predictable procedures.
- Accountability: BWC compliance; timely reporting; cooperation with audits.
- Duty to intervene and report: stop and report unsafe/unlawful conduct when feasible and safe.

### Ethics Enforcement (Policy Must Have Teeth)

- Signed acknowledgment upon hire and annually.
- Progressive discipline matrix with mandatory termination triggers (falsification, retaliation, off-property misuse, intentional BWC deactivation during enforcement).
- Supervisor review of all force, restraint, and detention incidents.
- Random audits of incident narratives and logs for articulation quality and consistency.

### Training and Readiness Gate (Mandatory Before Deployment)

#### Pre-Deployment Constitutional Refresher (MPCTC-Approved Instructor)

Before deploying SPOs under SB 0455, if the officer has not completed an 2025 SPO course under the latest objectives, MISA recommends a comprehensive refresher led by an MPCTC-approved instructor focused on constitutional constraints (1st, 4th, 5th Amendments), search vs. frisk limits, use-of-force decision-making, and documentation discipline. SPOs should not be deployed until they demonstrate competence through written and scenario-based evaluation. (*Terry v. Ohio*; *Miranda v. Arizona*)

- Recommended structure: 8 hours classroom + 4 hours scenario lab + written exam + remediation as needed.
- Scenario lab should include: filming/criticism encounters, detention articulation, frisk limits, consent searches, evidence handling, and de-escalation.
- Maintain lesson plans, instructor credentials, rosters, test results, and remedial training records.

## Annual In-Service Training: 24 Hours (MISA Recommended Minimum)

MISA recommends 24 hours of annual in-service training per SPO, documented and auditable.

Topic Area	Minimum Annual Hours	Operational Outcome
Constitutional policing (1st/4th/5th), search vs frisk refresh	6	Officer articulates lawful thresholds and avoids civil-rights violations.
Use of force, de-escalation, restraint, medical-risk awareness	6	Officer applies proportional force and documents accurately.
Report writing, logs, evidence/property handling, chain of custody	4	Audit-ready documentation and defensible case packets.
BWC policy, retention, uploads, supervisor review	2	Consistent activation and evidence integrity.
Jurisdiction/scope, post orders, boundary discipline	4	No mission creep; correct escalation to public police.
Ethics, professionalism, complaint handling	2	Professional conduct and reduced complaint/claim risk.

## Readiness Gate: Do Not 'Practice' in the Field

Agencies should not allow officers to 'learn by doing' with real citizens when the activity involves detention, frisk/search, or force. These are the highest-liability actions. Officers must demonstrate competence before deployment, and must be removed from SPO duties if they cannot articulate 1st/4th/5th Amendment limits. (42 U.S.C. § 1983; )

## Constitutional Policing Essentials (1st, 4th, 5th Amendments)

### First Amendment: Speech, Recording, and Retaliation Risk

The First Amendment protects speech and expressive activity, including criticism of police activity. (U.S. Const. amend. I; City of Houston v. Hill)

- Allow lawful criticism and recording from a safe distance; do not detain or threaten solely because someone is filming or verbally challenging.
- Use a professional script: 'You may record from a safe distance. Do not interfere with operations.'
- Avoid retaliatory enforcement; retaliation claims create severe liability and reputational harm. (City of Houston v. Hill)

## Fourth Amendment: Detention, Search, and Seizure Discipline

The Fourth Amendment prohibits unreasonable searches and seizures. (U.S. Const. amend. IV)

- Detention requires an articulable basis; traditional standard is reasonable articulable suspicion. (*Terry v. Ohio*)
- A frisk is limited to weapons detection based on armed-and-dangerous suspicion. (*Terry v. Ohio*; *Sibron v. New York*)
- A full search generally requires probable cause, consent, or a search incident to lawful arrest. (*United States v. Robinson*)

## Fifth Amendment: Custodial Questioning and Self-Incrimination Risk

The Fifth Amendment protects against compelled self-incrimination and governs custodial interrogation safeguards. (U.S. Const. amend. V; *Miranda v. Arizona*)

- Avoid custodial interrogation; if a criminal matter trends toward custody, call public police early.
- Do not seek statements while controlling custody; prioritize safety, documentation, and lawful transfer. (*Miranda v. Arizona*)
- Any questions asked while the suspect is not free to leave OR is under the impression that they are not free to leave, require the *Miranda* warning.

## Search vs. Pat-Down (Frisk): Constitutional Standards and Key Cases

This section is intended for operational training and supervision. It is not legal advice. Agencies should require MPCTC-approved instruction and legal review before implementing frisk/search practices.

### Pat-Down / Frisk (*Terry*) - Lower Threshold, Strict Limits

A pat-down (frisk) is a limited outer-clothing inspection for weapons. Under *Terry v. Ohio*, a frisk is permitted when the officer has specific, articulable facts supporting reasonable suspicion that the person is armed and presently dangerous. (*Terry v. Ohio*)

- Purpose is officer safety (weapons), not evidence collection. (*Terry v. Ohio*)
- Scope is outer clothing only; intrusion must remain minimal.
- If there is no armed-and-dangerous basis, do not frisk. (*Sibron v. New York*)
- Acting "suspicious" with no other basis that a crime is afoot and that the suspect may be armed is not grounds for a pat-down. This must be articulable.

### Plain Feel - When a Frisk Becomes an Unlawful Search

*Minnesota v. Dickerson* recognizes a 'plain feel' concept: if, during a lawful frisk, the identity of contraband is immediately apparent through lawful touching, it may be seized. However, manipulating or probing to determine what an item is converts the frisk into an unlawful search. (*Minnesota v. Dickerson*)

- Key rule: no manipulation beyond what is needed to determine whether an object is a weapon. (Minnesota v. Dickerson)
- If identity is not immediately apparent, stop and document.

## Full Search - Higher Threshold

A full search (pockets, containers, bags) generally requires probable cause, consent, or a lawful search incident to arrest. A lawful arrest allows a full search incident to arrest. (United States v. Robinson)

## Vehicle Contexts

During a lawful traffic stop, an officer may frisk a person when there is reasonable suspicion the person is armed and dangerous. (Arizona v. Johnson)

## Decision Test (Field Checklist)

1. Are you acting within your commissioned property/jurisdiction? (Md. Code, Pub. Safety § 3-307)
2. If detaining, can you articulate the detention basis? (Terry v. Ohio)
3. Do you have specific facts the person is armed and dangerous? If no, do not frisk. (Terry v. Ohio; Sibron v. New York)
4. If yes, conduct only an outer-clothing pat-down for weapons; stop when weapon risk is resolved.
5. Do not manipulate objects; 'plain feel' requires immediate recognition without probing. (Minnesota v. Dickerson)
6. If a full search is contemplated, ensure you have lawful authority (consent/probable cause/arrest incident) and follow policy/supervision. (United States v. Robinson)

## Articulation Prompts (Report Writing)

- What specific behavior or information created suspicion? (**Avoid conclusions like 'acting suspicious.'**)
- Why did you believe the person was armed and dangerous?
- What was the exact scope of the frisk? (Outer clothing only.)
- If contraband was seized under plain feel, explain why it was immediately apparent without manipulation. (Minnesota v. Dickerson)

## **Lack of Traffic Stop Authority – DO NOT conduct traffic stops**

Maryland's special police **traffic-stop authority is narrowly conditioned and is not a default power of an SPO working under a security agency.**

Under COMAR **29.04.02.12**, a Special Police Officer may make an arrest or issue a traffic citation for Maryland Vehicle Law (or other traffic law) **only** if the SPO both

(1) holds the qualifying appointment status and

(2) has **successfully completed the PTSC basic police officer training course** (i.e., police-academy basic training – NOT special police training);

absent that academy-level training, initiating traffic stops for traffic enforcement **is outside the permitted scope and creates immediate civil-liability exposure.**

Even where an SPO *has* academy-level training, a second practical barrier remains: traffic enforcement requires controlled citation infrastructure, and Maryland's Motor Vehicle Administration rules treat traffic citation books as accountable, controlled items issued within law-enforcement distribution controls—books may be issued to police officers per agency controls and cannot be reassigned without MVA authorization.

In addition, the District Court's electronic charging environment relies on agency identifiers and system configuration for lawful, trackable charging/citation processing, meaning that even “authorized” stops can leave an SPO with **no** compliant, court-accepted citation pathway if the agency is not properly configured—raising the risk that a stop becomes an unfunded, high-liability detention without a workable disposition route.

## Body-Worn Cameras (BWC) and Digital Evidence Management

MISA strongly recommends BWCs as a default requirement due to liability and evidentiary value.

### Activation Rules (Conservative Default)

- Activate for all enforcement contacts: detentions, frisks, searches, restraints, use of force, and complaints.
- Prohibit selective recording; require written explanation and supervisor review for any non-activation.
- Treat intentional deactivation during enforcement as a serious violation subject to discipline.

### Retention and Chain of Custody

Category	Minimum Retention (Best Practice)	Supervisor Review
Routine contacts (no enforcement action)	30 days	Sampling audit
Detention / frisk / search	180 days (or longer per counsel)	Mandatory
Use of force / injury / complaint	2-5 years (or litigation hold)	Mandatory + command review
Arrest-related events (if any)	2-5 years (or litigation hold)	Mandatory + legal review

### Use of Force and Restraint: Conservative Policy Requirements

Use of force is the highest-liability operational category. Agencies must implement a conservative force continuum, require de-escalation, and document every significant event with supervisor review. (42 U.S.C. § 1983)

### Core Rules

- Force must be proportional, necessary, and defensible under policy and constitutional standards.
- De-escalation is the default: time, distance, cover, communication, and early public police involvement.
- Medical considerations: monitor breathing and positional risks; request EMS when appropriate; document care decisions. DO NOT leave a person prone on their chest or apply pressure to their back while face down. This can cause positional asphyxia, a potentially deadly situation.

### Reporting and Review

- Use-of-force report required for any event beyond a simple escort; supervisor review required within agency-defined timelines.
- Supervisor response to the scene when feasible; mandatory review of bodycam and documentation.
- Trend review at least annually to identify training or supervision issues.

## Detention, Trespass, and Non-Custodial Encounters

### Preferred Conservative Model: Non-Custodial First

- Use verbal direction, observation, and client coordination before detention whenever lawful and safe.
- Use trespass warnings and property rules consistently; document warnings and provide notice when required.

### If Detention Occurs

- Keep detention brief and purpose-limited; document basis, duration, and outcome. (Terry v. Ohio)
- Avoid custodial posture unless a true emergency exists and public police are en route.
- Use BWC and complete detention logs.

### Interim Enforcement Position: **No Custodial Arrests Pending Infrastructure (MISA Recommendation)**

MISA recommends that SPOs employed by security agencies do not conduct custodial arrests until statewide infrastructure for custody transfer, booking, charging/citation workflows, and evidence handling is established - except true emergencies to prevent imminent harm.

MISA is working with MSP, MPCTC, and the District Court to resolve these issues. Some solutions require statutory changes, which may take up to one legislative cycle (approximately a year) to fully resolve. During this period, agencies must avoid civil-rights incidents that could trigger restrictive action or rollback of SB 0455 authority.

### Operational Do/Do Not

- DO: call the public police early when the event is criminal and trending toward custody.
- DO: Preserve safety and stabilize the scene within the commissioned property.
- DO: document thoroughly; treat articulation and BWC compliance as mandatory.
- DO NOT: improvise booking, evidence storage, or custodial transport workflows without a validated pathway.
- DO NOT: attempt to 'unarrest' a person after custody has been created; this can create Fourth and Fifth Amendment exposure. (U.S. Const. amends. IV-V)

### Charging Alternative Noted by the District Court

The Chief Judge of the District Court of Maryland advised that SPOs, in lieu of arrest, may still apply for criminal charges through the commissioner system (available 24/7). (Morrissey 2)

## Infrastructure Gaps: ORI, MDEC, Citations, Booking, and Custody Transfer

### The Practical Gap

If an SPO makes a custodial arrest but local police refuse to accept custody, an agency may have no reliable ability to transport to central booking, no authority or training to centrally book the suspect, and no standardized custody-transfer pathway. These gaps create immediate Fourth and Fifth Amendment liability exposure if detention continues without a lawful processing path. (U.S. Const. amends. IV-V; )

### ORI and MDEC - Why Citations Can Be Blocked

The District Court explained that MDEC uses agency and sub-agency codes that correspond to the FBI's Originating Agency Identifiers (ORI) and align with NLETS, and that these identifiers are required data elements across charging documents and judicial records. (Morrissey 1)

The District Court further noted that a requesting agency would first need to request the ORI via the Maryland State Police, and then complete additional administrative steps for system configuration. (Morrissey 1)

Without the agency/sub-agency configuration and supporting identifiers, SPOs may be unable to issue criminal citations using the Uniform Criminal Citation (DC-CR-045), and the Court noted uncertainty regarding how SPOs would satisfy the full requirements in practice. (Morrissey 1-2) - MISA is actively working to resolve these issues.

### You Cannot 'Unarrest'

Once custody is created, the agency cannot safely erase the liability event. Prolonged detention while searching for a pathway can be viewed as an unreasonable seizure, and questioning during custody can create self-incrimination disputes. This is a primary reason MISA recommends no custodial arrests pending infrastructure. (U.S. Const. amends. IV-V; Miranda v. Arizona)

## Evidence, Property, Drugs, Weapons, and Transportation

Handling drugs, weapons, and suspect property creates chain-of-custody, safety, and theft/tampering allegation exposure. Agencies should avoid long-term evidence storage and avoid routine transportation of arrestees. MISA is seeking statutory clarity and statewide procedures to resolve these gaps.

### Conservative Best Practices (Until Infrastructure Exists)

- Minimize seizures to what is required for immediate safety.
- DO NOT seize just to seize. If you do not have a 4<sup>th</sup> amendment exception, do not seize.
- Inventory immediately; capture on BWC.
- DO NOT keep weapons, drugs, or other property unless a lost-and-found scenario in which case property must be inventoried and stored securely.
- Secure weapons in approved containers; restrict access; transfer to public law enforcement evidence custody promptly when possible.
- Do not design operations requiring SPOs to transport arrestees to central booking.

## Uniforms, Badges, and Vehicles: Avoiding Public Confusion

Public confusion drives complaints and civil liability. Agencies must ensure clear distinction from government police.

### Uniform and Identification

- Uniform must clearly display 'SPECIAL POLICE' (not 'POLICE' alone). Both SPECIAL and POLICE should be in the same font and size.
- Officers should identify themselves verbally as 'Special Police Officer assigned to this property.'
- DO NOT issue or wear uniforms that mimic police agency uniforms.
- DO NOT use the state seal on any badge, patch or other decal, embroidery or emblem.

### Badges, Patches, and Logs

- Maintain badge issuance/return logs; require immediate return upon suspension/termination.
- Prohibit markings that imply government agency affiliation.

### Vehicles

- Mark vehicles clearly with 'SPECIAL POLICE,' agency license number, and unit numbers
- Decals should read "SPECIAL POLICE" in the same font and size on both the driver's and passenger's door with additional marking on the rear of the vehicle.
- **Do not decal vehicles to mimic public policing agencies.**
- Maintain vehicle assignment logs and conduct periodic compliance inspections.

## Client Contracting, Post Orders, and Coordination with Public Police

### Contract Controls

- Contract scope must match commission/property authority; prohibit off-property enforcement obligations. (Md. Code, Pub. Safety § 3-307)
- Post orders must define escalation triggers, reporting timelines, and boundaries.
- Require client cooperation for access control, signage, and incident documentation.

### Coordination with Public Police (Recommended)

- Pursue written MOUs or standing procedures for custody transfer, evidence handoff, and emergency response.
- Define who is called, when, and where custody transfer will occur, and how documentation will be provided.

## Insurance Review and Risk Management Controls

Before deploying SPOs, agencies should conduct a documented internal insurance review to confirm coverage for arrests, detentions, use of force/assault allegations, and civil-rights exposure. Do not deploy under assumptions; obtain written confirmation from broker/carrier. (; 42 U.S.C. § 1983)

### Insurance Review Checklist (Minimum Questions)

- Does the policy cover false arrest, wrongful detention, and civil-rights claims?
- Does the policy cover assault and battery allegations related to restraint/use of force?
- Are there exclusions for 'law enforcement activities' or intentional acts that would defeat coverage?
- What are the notice/reporting requirements after an incident?
- Are client entities additional insured where required, consistent with counsel advice?

## Internal Investigations, Complaints, Audits, and Corrective Action

### Complaint Intake and Evidence Preservation

- Immediately preserve BWC footage and related records (legal hold).
- Capture complainant information, allegation summary, and witnesses.
- Notify the program manager for any allegation involving force, detention, search, property seizure, or off-property authority claims.

### Audit Schedule (Minimum)

- Quarterly compliance audits of logs, BWC activation, training records, and badge/vehicle logs.
- Annual program review with trend analysis and corrective action plan.

### MISA Policy Objectives (Advocacy - Not Current Law)

MISA is working with MSP, MPCTC, and the District Court to resolve infrastructure gaps. Some solutions require statutory change and may take up to one year. During this period, agencies must avoid civil-rights incidents and liability events that could trigger restrictive action or legislative rollback of SB 0455 authority. (; Morrissey 1-2)

- Statewide custody transfer, booking, and evidence-handling infrastructure for SPO arrests (statutory clarity).
- ORI/MDEC configuration clarity and a practical pathway for citations where lawful and appropriate. (Morrissey 1-2)
- Criminal citations or comparable enforcement tools for agencies that engage in serious noncompliance (policy development).
- District Court firearm handling model: arrival with firearm permitted only with immediate lock-box storage per court security procedures (policy development).

## Appendices: Templates and Checklists

### Appendix A - Pre-Deployment Readiness Checklist (Agency)

- Counsel review completed (scope, detention/search, force, evidence/property, contracts).
- Insurance review completed; written broker/carrier confirmation received.
- MPCTC-approved constitutional refresher completed with exam and scenario evaluation.
- BWC program deployed (policy, retention matrix, access logs, supervisor review).
- Logs implemented (detention, frisk/search, property/evidence, force) with supervisory review workflow.
- Post orders and boundary maps issued for each commissioned site.

### Appendix B - Detention Log (Template Fields)

Field	Required Entry
Date/Time	Start time, end time, total duration
Property	Commissioned property name and boundary location
Officer	SPO name and ID/badge number
Subject	Name/DOB or identifiers; note if ID not obtained and why
Basis	Articulable facts supporting detention (avoid conclusions)
Actions	Commands, de-escalation steps, restraints if any
Outcome	Released, warned, trespassed, or transferred to public police
BWC File ID	Associated BWC file reference(s)
Supervisor Review	Name/date/time of review and notes

### Appendix C - Search/Frisk Worksheet (Decision Prompts)

Prompt	Officer Must Document
Detention basis	Facts supporting detention (Terry articulation)
Armed & dangerous basis	Specific facts supporting frisk
Scope	Outer-clothing only; no manipulation
Plain feel (if applicable)	Why identity was immediately apparent without manipulation (Dickerson)
Full search basis	Consent/probable cause/arrest incident authority and supervisor involvement

## Appendix D - Use-of-Force Report (Template Fields)

Field	Required Entry
Date/Time/Location	Exact location on commissioned property
Parties	Officers, subjects, witnesses
Legal/Policy Basis	Why force was necessary and proportional
Force Used	Type, duration, escalation/de-escalation steps
Injuries/Medical	Observed injuries, EMS involvement, medical checks
BWC File ID	Associated footage and uploads
Supervisor Response	On-scene response and review findings
Corrective Action	Training/discipline if indicated

## Works Cited

- Maryland Investigators and Security Association (MISA). Suggested Regulations for Special Police Officers Assigned to Security Agencies. Draft PDF provided for review.
- Morrissey, John P. Letter regarding SPO agency identifiers, MDEC charging documents, ORI, and citation/processing constraints. District Court of Maryland, 6 Jan. 2026.
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- U.S. Const. amend. I.
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- City of Houston v. Hill. 482 U.S. 451. Supreme Court of the United States, 1987.
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