



**Baltimore County Sheriff's Office  
Towson, Maryland**

**Sheriff  
R. Jay Fisher**

**General Order**

**Subject:  
First Amendment Activities**

**Effective Date  
01/08/10**

**Number  
B-6**

**Purpose:**

To establish guidelines regarding the covert investigation and gathering of intelligence of persons or groups involved in First Amendment Activities.

**Contents:**

- I. Definitions**
- II. Policy**
- III. Procedures**

**I. Definitions**

- A. **First Amendment Activity:**** Any activities involving constitutionally protected speech or association; or conduct related to freedom of speech, free exercise of religion, freedom of the press, the right to assemble, or the right to petition the government.
- B. **Covert Investigation:**** A surreptitious infiltration of, or attempt to infiltrate a group or organization for the purpose of interfering with the group's activities that involve freedom of speech or association, the exercise of religion, freedom of the press or the right to petition the government activities that may be protected by the First Amendment to the United States Constitution.

**II. Policy**

It is the policy of the Baltimore County Sheriffs Office that all members will adhere to the Freedom of Association & Assembly Act of 2009 with regard to the covert investigation of individuals and groups as well as the collection of intelligence from such investigations.

**III. Procedures**

- A.** The members of this Office shall not conduct a covert investigation of a person, group or an organization involved in First Amendment activities, to the extent such activities are known to be protected, without the express written authorization of the Sheriff or his/her designee. The Sheriff or designee will authorize the investigation only if the investigation is justified because there is reasonable, articulable suspicion that the person, group or organization is planning or is engaged in criminal activity; and a less intrusive means of investigation is not likely to yield satisfactory results.

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If the Sheriff or his/her designee is unable to give prior authorization of the covert investigation, he/she shall, as soon as is practicable afterwards, make a written finding that the conditions above existed and justified the covert investigation.

- B. Members of this Office may collect and maintain information regarding persons, groups or organizations engaged in First Amendment activities **only** when there is a basis for a reasonable articulable suspicion of criminal activity by the persons, groups or organization. Information regarding persons, groups or organizations may not be collected or maintained based solely on political beliefs, ideologies or association.
- C. Intelligence information collected by this Office shall be evaluated for the reliability of the source of the information and the validity and accuracy of the information. If information is maintained in a computer database, that information shall be classified in a manner that clearly reflects the purpose for which the information has been collected and maintained, particularly information about a specific individual, group or organization that is suspected of engaging in specific crime(s). Such records may be disseminated only in accordance with existing Office procedures, including but not limited to those based on the Maryland Public Information Act, MD Code Ann., State Gov't Art., § 10-601 *et seq.* and 28 C.F.R. §23.3 (b)(3). The database shall be reviewed annually, beginning on January 1, 2011, and any information that has become moot, irrelevant, or is otherwise without law enforcement value shall be purged from the database.
- D. This policy does not apply to undercover investigations or intelligence gathering that does not involve protected first amendment activities.

By Authority of:

  
R. Jay Fisher  
Sheriff