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CIRCUIT COURT FOR
BALTIMORE CITY

2016 JUN 13 P 4:22

STATE OF MARYLAND

* IN THE

v.

* CIRCUIT COURT FOR
* BALTIMORE CITY

LT. BRIAN RICE

* CASE NO.: 115141035
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* * * * *

**MOTION *IN LIMINE* TO PRECLUDE TESTIMONY AND EVIDENCE CONCERNING
BALTIMORE POLICE DEPARTMENT GENERAL ORDERS AND POLICIES AS
THEY RELATE TO THE USE OF SEATBELTS IN POLICE VEHICLES**

Defendant Lt. Brian Rice, by undersigned counsel, hereby files this Motion *in Limine* to order the preclusion of testimony and evidence concerning Baltimore Police Department general orders and policies as they relate to the use of seatbelts in police vehicles. In support thereof, Defendant states the following:

I. Baltimore Police Department general orders and policies relating to the use of seatbelts in police vehicles must be excluded from the trial of the Defendant because the failure to seatbelt a detainee cannot constitute evidence of gross or criminal negligence

The State may seek to introduce testimony and evidence concerning Baltimore Police Department general orders and policies as they relate to the use of seatbelts in police vehicles. Specifically, it is anticipated that the State will make reference to such information as evidence that the failure of a Baltimore police officer to seatbelt a detainee during transport constitutes the gross or criminal negligence necessary to establish the crimes of second degree assault, involuntary manslaughter, and reckless endangerment. However, given that the general orders and policies are unique to Baltimore City, they cannot be admitted for this purpose. Accordingly, they are irrelevant to, and must be excluded from, the trial of the Defendant.

In *State v. Pagotto*, the Court of Appeals of Maryland analyzed the legal significance (or insignificance) of an alleged violation of a geographically unique Baltimore Police Department guideline. 361 Md. 528, 550–51 (2000). In *Pagotto*, a Baltimore Police Department sergeant was convicted of involuntary manslaughter and reckless endangerment as a result of a traffic stop

