



# Arrest Procedures

Section: 2.600  
Effective Date: June 15, 2010  
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## 2.600 Arrest Procedures

- A. Directives contained in this unit specify procedures agency personnel will utilize when arresting and taking persons into custody.
- B. **1.106 Limitations on Authority** contains directives that describe in permissive and restrictive terms situations under which agency officers are permitted to arrest or otherwise take persons into custody.
- C. **1.108 Constitutional Protections & Rights** contains directives that describe in permissive and restrictive terms situations under which agency officers are permitted to search persons and property with and without warrants.

## 2.602 Adults and Juveniles

### A. Adults arrested and/or juveniles taken into custody

Since the University of Baltimore does not have or maintain "holding facilities", adults arrested are to be transported to *Baltimore Central Intake and Booking Facility (BCIBF)* for processing.

- B. **Juveniles taken into custody** The *Baltimore City Juvenile Justice Center (BCJJC)* is a centralized processing entity for juveniles taken into custody by law enforcement agencies. The BCJJC will only accept juveniles taken into custody for Delinquent Acts and wanted on warrants. Juveniles taken into custody for a Status Offense with a pending Delinquent Act shall be processed at BCJJC because the Delinquent Act takes precedent over the status offense.

Whenever dealing with a juvenile, particularly a juvenile offender, use the least coercive among reasonable alternatives, consistent with preserving the public's confidence, public safety, positive relationships, and individual liberty. The principal of reasonableness shall guide discretion when carrying out law enforcement duties. Juveniles taken into custody for status offenses (***laws applicable only to juveniles such as alcohol and tobacco violations, daytime and nighttime curfew violations, and runaways***) will be processed at the Baltimore City Juvenile Justice Center (BCJJC).

Those observed violating alcohol and/or tobacco offenses are eligible to be issued the Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses, DC 31 by Baltimore Police Department (BPD). In those situations contact communications to have a city police officer respond and issue the citation identifying the University Police Officer as a witness.

**NOTE:**

Alcohol offenses are enforceable to individuals under the age of 21, and tobacco offenses are enforceable to individuals under the age of 18 years, except when the individual is a bona fide employee acting in the course of employment. For the purpose of the Uniform Juvenile Civil Citation for Alcohol and Tobacco Offense, juveniles are individuals under the age of 21. Curfew violation enforcement is governed by Baltimore City Code, Police Ordinances, Article 19, Subtitle 34.

Of Extreme Importance and in keeping with the current Memorandum Of Understanding (MOU), the Baltimore Police Department (BPD) continues to assume full and complete responsibility for the preliminary investigation and follow-up in cases of homicide (including suicide and sudden death) and rape.

Moreover, the BPD also assumes full and complete responsibility for the preliminary investigation and follow-up of cases of robbery, aggravated assault and other Part 1 offenses that necessitate an ongoing investigation. The University of Baltimore Police Department (UBPD) will assume responsibility for preliminary investigation and follow-up for Part II offenses, and reserves the right to seek assistance from the BPD when investigating Part 1 offenses.

The Baltimore Police Department shall continue to be the lead agency relative to any emergency situation that may arise. The University of Baltimore Police Department shall provide assistance consistent with adequate staffing levels.

**2.604            Searching of all detainees**

**2.604.02        Detainees**

- A. Officers will search ALL detainees coming into their custody, regardless of whether they have been previously searched.
- B. Detainees will be searched prior to transport or, because of exigent circumstances, as soon as possible thereafter.
- C. Officers performing searches are responsible for discovery and removal from detainees all contraband, evidence, weapons, and items that could cause harm to self or others, damage property, or facilitate escape.

**2.604.04        Search – Officers of the Same Gender**

- A. Detainees will generally be searched by Officers of the same gender unless circumstances dictate otherwise, such as when:
  - 1. Detainees are likely to be armed;
  - 2. Delaying searches may result in destruction or loss of evidence; or
  - 3. Same gender officers are not available or are unable to respond within a reasonable amount of time.
- B. Officers conducting searches will, if practical, have at least one witness present.

#### **2.604.06 Prisoner Transport & Strip Searches**

- A. The University of Baltimore Police Department does not have or maintain a “holding facility” and arrested adults are to be transported to the *Baltimore Central Intake and Booking Facility (BCCIBF)* for processing, as soon as is reasonably practical. The transport will be via a Baltimore Police Department or other allied agency wagon or prisoner transport vehicle. However, if the Baltimore Police Department or other allied agencies are not able to provide an agency wagon or prisoner transport vehicle in a reasonable amount of time we may utilize upon supervisory discretion our agency partition equipped vehicle if circumstances dictate. As a general practice, prisoners are not to be brought into university buildings for interviews and interrogations. However, extenuating circumstances may allow prisoners to be temporarily brought into university buildings.
- B. Juveniles taken into custody are, predicated on the offense, will be transported by BPD to the *Baltimore City Juvenile Justice Center (BCJJC)*.
- C. At no time is a prisoner (adult or juvenile) to be strip searched. A strip search includes inspections of body cavities not involving a physical probing into cavities for the purpose of discovering weapons, contraband, fruits of crime or evidence.
- D. A strip search is defined as the removal or rearrangement of clothing to permit visual inspection of a person’s under garments, buttocks, anus, genitalia, or breasts.
- D. The following do not constitute a strip search:
  - 1. Removal or rearranging clothing reasonably required to render medical treatment or assistance;
  - 2. Removal of articles of outer clothing such as coats, ties, belts, or shoelaces;

#### **2.604.08 Body Cavity Searches**

- A. At no time is a prisoner (adult or juvenile) to be subject to a body cavity search which involves physical intrusions into stomachs, rectal, or vaginal cavities.
  - 1. Use of emetics or stomach pumps are considered body cavity searches.
  - 2. Use of X-rays to ascertain if individuals have swallowed objects of evidentiary value are considered body cavity searches.
- B. Mouths are the only body cavities that may be searched without search warrants.

#### **2.606 Restraining Devices**

##### **2.606.02 In Transport**

- A. When handcuffs are utilized, detainees will be handcuffed with their hands and palms out, behind their backs.
  - 1. Handcuffs may be double locked immediately, notwithstanding a temporary delay because of exigency.
  - 2. Restraining devices will not be utilized if their use would exacerbate injuries, illnesses, or disabilities.
  - 3. Handcuffs and other restraining devices will be applied to adequately restrain detainees without jeopardizing officer safety or causing injuries to detainees.
- B. Officers may utilize additional or enhanced agency authorized restraints only as necessary for detainees who:
  - 1. Are violent or combative;
  - 2. Are self-destructive or suicidal;

3. Are escape risks;
  4. Are under the obvious influence of alcohol or other drugs; or
  5. Have mobility, medical, or other physical limitations or disabilities that preclude other required restraint uses
- C. Authorized additional and enhanced restraints are:
1. Multiple sets of handcuffs linked together to lengthen cuffing span;
  2. Leg irons;
  3. "Flexi-cuffs" or other similar issued or authorized non-metallic, temporary restraining devices; and
- D. Other unauthorized restraint devices are prohibited.
- E. Officers may exercise discretion in handcuffing or restraining persons who are disabled, sick, or injured based on detainees;
1. States of mind and degrees of cooperation;
  2. Nature and extent of disabilities, illnesses, or injuries;
  3. Potential for inflicting injury to selves or others;
  4. Capacity to physically resist; and
  5. Escape potential
- F. Extremely violent detainees may be handled and secured in the safest and most expeditious manner possible that are not otherwise violations of directives.
- G. "Flexi-cuffs" or other issued or authorized non-metallic temporary restraining devices may be utilized when conducting multiple arrests.
- H. Baltimore Police Officers will conduct transports upon request from UBPD.
- I. UBPD officers will document the facts and circumstances of detainee transports in written reports.

## **2.608 Detainee Transport**

### **2.608.02 Transporting Officers**

- A. Baltimore Police Officers (BPD) will search detainees coming into their custody regardless of whether they have been previously searched by UBPD officers.
- B. Detainees will be removed without unnecessary delay from arrest scenes and transported directly to appropriate police, detention, or medical care facilities by BPD or the Baltimore Fire Department Medic Units (BCFD).
- C. Nude or indecently attired detainees will be removed from public view and covered prior to transport. They will not be transported in vehicles with detainees of the opposite gender.
- D. Juveniles and adults, male and female detainees should not be transported in the same vehicles.
- E. Juvenile status offenders and non-offenders will be transported separately from juvenile delinquent offenders and adult detainees.
- F. Detainees will be segregated from public contact during transport.
  1. Communications between detainees and the public will be limited to those necessary to complete the transport.
  2. Detainees' right to communicate with attorneys will not normally be exercised during transports.

3. Detainees will not be transported together if their ability to communicate with each other would lead to further collusion.
- G. Necessary assistance will be requested when transporting disabled detainees.
  1. Transports of disabled detainees will be completed in a manner that is most convenient, comfortable, and safe for both detainees and officers.
  2. Officers may request EMS personnel to assist with disabled detainees when vehicles will not accommodate transports due to size of required medical apparatus or the severity of disabilities. Of note, EMS may refuse this request.
- H. Sick or injured detainees will be transported and treated consistent with **2.612**.

**2.610.01          Searching Police Vehicles**

**2.610.02          Officer Responsibility**

- A. UBPD officers are responsible for ensuring vehicles are searched prior to beginning their tours duty.

**2.610.04          Staffing of Transport Vehicles**

- A. All transports will be handled by the Baltimore Police Department (BPD).

**2.610.06          Security During Transport**

- A. BPD officers are responsible for the security of detainees in their custody.
- B. BPD officers transporting detainees will comply with operational directives of those facilities as relating to detainee security. BPD transporting officers are responsible to:
  1. Appropriately secure all weapons;
  2. Remove restraining devices only when directed to do so by personnel at receiving facilities or detainees are properly controlled and secure;
  3. Deliver all necessary documentation to receiving person at the facility;
  4. Advise receiving personnel of real or perceived medical or security hazards; and
  5. Obtain signatures of receiving personnel and/or documentation detailing the detainee transaction.

**2.610.08          Transport Notifications**

- A. UBPD officers will notify the PCO (Communications) when BPD takes control and custody of the detainee.
- B. Recorded radio transmissions and phone conversations, in addition to on-line data entered by Communications officers, document detainee transport notifications.

**2.610.10          Escapes During Transport**

- A. BPD officers are responsible for the care, custody, and control of detainees during transports.
- B. If an escape occurs during transport, BPD officers will make every practical attempt to apprehend the detainee.
- C. Upon notification of an escape or an attempt, UBPD Sergeant or OIC will ensure the PCO broadcasts all known and relevant information via the radio.
- D. The Shift Supervisor / OIC will follow existing protocols to notify the command staff.
- E. All relevant information obtained should be documented in Report Exec.

**2.610.12 Documentation Necessary for Transport**

- A. The Baltimore Police are responsible for transporting detainees to the Baltimore Central Intake and Booking Facility and the Baltimore City Juvenile Justice Center for processing.
- B. Arresting officers will follow the procedures as required by the respective facility. Questions regarding booking procedures are to be addressed to the Liaison Officer.
- C. BPD transportation officers are responsible for notifying personnel at transport destinations of any real or perceived security, health, or suicide risks involving transported detainees.

**2.610.14 Special Detainee Transport Requests**

- A. This agency does not fulfill special transportation requests of detainees, but will make every reasonable and prudent effort to expedite detainee transport, processing, and delivery to receiving personnel or agencies. Transporting officers will advise receiving personnel or agencies of detainee's special transportation requests.

**2.612 Sick or Injured Detainees**

**2.612.02 Officer Responsibility**

- A. Officers will ensure, to the best of their capabilities, that detainees receive necessary medical attention prior to arrest processing.
  - 1. A Baltimore City Fire Department will be called immediately to render assistance if detainees under control of this agency require emergency medical treatment. These situations include, but are not limited to, when detainees:
    - a. Complain of illness or injury;
    - b. Exhibit bizarre behavior;
    - c. Have obvious injuries; or
    - d. Have ingested or secreted into their bodies any non-food or non-prescribed substances.
  - 2. Officers will render aid to the extent of their emergency medical training and certification until relieved by EMS personnel.
- B. Detainees requiring medical treatment will be transported to appropriate medical facilities by ambulance. The choice of facilities is determined by EMS protocols.
- C. In arrest situations where a detainee requires medical assistance, Officer/s will either follow EMS units or accompany detainees in EMS units based on:
  - 1. Detainee temperament;
  - 2. Detainee mobility;
  - 3. Detainee propensity for escape; or
  - 4. Request of EMS personnel
  - 5. Supervisor's input.
- D. Officers should attempt to photograph detainees who are injured or allege injuries. Photographs may be taken following cleaning and/or treatment.
- E. While the Department of Corrections (DOC) medical staff can handle certain non-life threatening medical conditions of committed detainees, some medical conditions are beyond their scope of care.

Medical conditions which preclude DOC from accepting detainees without hospital discharge summaries include, but are not limited to:

1. Projectile vomiting;
2. Vomiting bright red or dark brown blood;
3. Compound fractures;
4. Extremities out of alignment;
5. Inability to walk due to recent injuries;
6. Abrasions or bruises on abdomen or chest;
7. Dog bites;
8. Vaginal bleeding other than menses;
9. Unconsciousness
10. Head injuries with accompanying dizziness, convulsions, disorientation, swelling, or visual impairment;
11. Difficulty in breathing with pain in the jaw or neck;
12. Active labor;
13. Serious lacerations involving tendons or muscles; or
14. Serious drug or alcohol withdrawals which may include hallucinating.

**Officers are not to transport sick, injured, mentally disturbed faculty, staff, students or other individuals requesting such transports. In the event of a request, officers are to direct Communications to call for a Baltimore City Fire Department Ambulance.**

**For additional and detailed instructions for the transportation and guarding prisoners, See Directive 2.640 DETAINEE SECURITY AT MEDICAL FACILITIES – published separately.**

## **2.614 Dispensing Medication to Detainees**

### **2.614.02 Officer Responsibility**

- A. UBPD officers will not dispense medications to, or allow self-medication by detainees.
- B. Whenever a foreign national is arrested or detained in the United States, the foreign national must be advised of the right of consular notification and access consistent with existing policy and directives.

## **2.616 Interrogations**

### **2.616.02 Responsibilities**

- A. It is the State's responsibility to prove in court that detainees were properly and fully advised of their constitutional Miranda rights, that they understood those rights, and were afforded opportunities to exercise them.
- B. Detainees will be advised of their constitutional rights prior to interrogations.
  1. Explanation of Miranda Rights forms should be used when officers seek to interrogate suspects or detainees other than in field interrogation situations.
  2. Officers may provide copies of completed Explanation of Miranda Rights forms to suspects or detainees.
  3. In field interview situations, officers may use agency issued advise of rights cards to inform suspects or detainees of their Miranda rights and record the information in the report/s.

- C. Persons waiving their rights must do so knowingly, intelligently, and voluntarily.
- D. It is not necessary in all cases for officers to immediately advise suspects or prisoners/detainees of their Miranda rights.
  - 1. Apprehending officers need not advise suspects of their Miranda rights:
    - a. Unless circumstances necessitate immediate interrogation of suspects; or
    - b. When suspects are taken into custody and are to be turned over to investigators for follow-up investigations.
  - 2. Officers who turn suspects over to investigators will, in all cases, advise investigators whether suspects have been advised of their Miranda rights.
  - 3. Investigators receiving suspects for interrogations are responsible for ensuring that Miranda rights are advised.
- E. Juveniles have the same rights regarding statements and confessions as adults.
  - 1. Juveniles can waive or retain their Miranda rights. Officers must be able to articulate that juveniles waiving their Miranda rights did so knowingly, intelligently, and voluntarily.
  - 2. Officers interrogating juveniles will explain to them the juvenile justice system and the agency's directives relating to juvenile interrogations.
  - 3. The ages of juveniles and the nature of the alleged offenses are factors that must be considered when determining appropriate length of interrogations.
    - a. Juvenile interrogations will be limited to six hours in length and will be conducted by no more than two officers.
    - b. The interrogation may be extended for exigent circumstances and with supervisory approval based on offense severity and the willingness of juveniles under interrogation to continue talking with interrogating officers, if necessary, for an additional hour.

## **2.618 Presenting Defendants Before Judicial Officers**

### **2.618.02 Judicial Officers**

- A. Maryland Court Rule 4-212 requires that defendants be presented before District Court Commissioners without unnecessary delay and in no event later than 24 hours after arrest.
  - 1. Officers will avoid unnecessary delays when preparing defendant's cases for presentation before District Court Commissioners.
  - 2. DOC personnel conduct presentations of defendants before District Court Commissioners. State's Attorneys will review and evaluate statements of probable cause and statement of charges for sufficiency prior to accepting defendants for presentation.
  - 3. Agency officers are responsible for presenting defendants arrested on motor vehicle charges.
  - 4. Arresting officers will contact DOC personnel for instructions and assistance when defendants are too combative or intoxicated to understand proceedings before Commissioners.
- B. Responsibilities of District Court Commissioners include, but are not limited to:
  - 1. Receiving applications and determining whether probable cause exists for the issuance of charging documents;
  - 2. Advising arrested persons of their constitutional rights;
  - 3. Setting bond or committing persons to jail in default of bond; and
  - 4. Releasing arrested persons on personal recognizance if circumstances warrant.
- C. Defendants' opportunities to make bail will not be impeded by agency Officers.



#### **2.618.04 Juvenile Traffic Charges**

- A. Copies of the agency's incident reports will be used to process:
  - 1. Non-jailable traffic offenses involving juveniles under the age of 16;
  - 2. Jailable traffic offenses enumerated in TR 27-101 involving juveniles; and
  - 3. Juveniles accused of both jailable and non-jailable traffic offenses stemming from the same incident.
- B. Juveniles 16 years of age or older may be issued Maryland Uniform Complaint and Citations for non-jailable motor vehicle offenses.

#### **2.618.06 Release of Juveniles to Responsible Parties**

- A. Arresting officers will attempt to notify the parents, guardians, or adults responsible for juveniles, as soon as practical, of the fact that the juveniles have been taken into custody.
- B. Juveniles may be released to parents, guardians, or other responsible family members. If practical, officers may release juveniles at the juveniles' residences.
- C. Detaining officers who release juveniles without charges will ensure the Hot Desk has been contacted in order to check for outstanding writs.
- D. Persons accepting custody of charged juveniles must sign the Juvenile Custody Report.
  - 1. The identity of parents, guardians, or persons responsible for juveniles must be confirmed.
  - 2. Permission for adults other than parents or guardians to accept juvenile custody must be confirmed.
- E. Delinquent juvenile offenders may only be held for up to **6 hours** for processing purposes (i.e. awaiting pickup from parents, or guardians, transfer to the DJS facility, questioning / interviewing, or for identification purposes).

#### **2.618.08 Reporting**

- A. Arresting officers are responsible for ensuring all incident and arrest related documents, forms, reports, etc., are completed, approved, and submitted to their shift supervisor/OIC prior to the end of their tour of duty.
- B. Documentation necessary for detainee presentation before judicial officers must be completed to ensure compliance with Maryland Rule 4-212.
- C. Whenever a foreign national is arrested or detained in the United States, the foreign national must be advised of the right of consular notification and access.
- D. Property being retained by the agency as evidence will be recorded separately on Property Receipts consistent with existing policy and directives.

#### **2.618.10 Fingerprinting and photographing**

- A. DOC staff at the respective adult holding facility and/or juvenile processing center are responsible for photographing, fingerprinting and processing property of prisoners brought to their respective facility.
- B. University Police Officers do not fingerprint any detainee or store any prisoner's personal property.
- C. Evidence will be processed in keeping with **1.460 Control of Property and Evidence**.

**Directive regarding security at medical facilities is published separately.**

**See:**

2.640 - DETAINEE SECURITY AT MEDICAL FACILITIES