

2.600 ARREST PROCEDURES

- A. Directives contained in this unit specify procedures agency personnel will utilize when processing persons arrested or taken 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 SEARCH OF DETAINEES

- A. Employees will search 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. Arresting officers will ensure third party searches are conducted of all detainees brought into agency facilities regardless of detaining agencies or nature of charges.
- D. Employees performing searches are responsible for the discovery and removal from detainees all contraband, evidence, weapons, and items that could cause harm to self or others, damage property, or facilitate escape.
- E. For transgender detainees, officers will not seize or remove appearance related items, such as clothing and undergarments, wigs, prosthetics, or make-up if those items would not be confiscated from non-transgender individuals. Appearance-related items may be seized if the items are evidence or a safety hazard.

2.602.05 Search by Officer of Same Sex

- A. Detainees will generally be searched by employees of the same sex 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 sex employees or officers are not available in a reasonable amount of time.
- B. Employees conducting searches will, if practical, have at least one witness present.

2.602.07 Transgender Searches

- A. This policy applies to all employees and establishes guidelines for the appropriate treatment of transgender individuals who come into contact with the University of Maryland Police Department. Officers shall consider a person to be transgender if the person identifies themselves as transgender or, if upon reasonable belief that a person may be transgender, the officer asks and receives an affirmative response. Officers will use their own discretion whether or not to ask a person of their gender identity.
- B. The policy of the University of Maryland Police Department is to treat all individuals with dignity, respect, and professionalism. Officers shall at all times abide by the University of Maryland Police Department's policy on respectful treatment, as well as the University of Maryland's policies and/or guidelines that prevent gender identity discrimination when interacting with transgender individuals.
- C. For purposes of this manual section and when interacting with transgender individuals, the following definitions apply.
 - 1. **Adopted Name:** Non-birth name that a transgender individual uses in self-reference (this may or may not be in the individual's legal name).
 - 2. **Gender Expression:** External characteristics and behaviors that are socially viewed as masculine, androgynous, or femi-

nine. Gender expression is the external manifestation of one's gender identity.

3. Gender Identity: A person's gender-related identity, appearance, or behavior. This may be different from what is traditionally associated with the person's physiology or assigned gender at birth.

4. Sex: An individual's biological or anatomical identity as male, female, or intersex.

5. Transgender Individual: A person whose gender identity differs from their assigned sex.

6. Transgender Man or Female-to-Male (FTM): A person who transitions from female to male, meaning a person who was assigned female at birth, but identifies and lives as male or as a man. A female-to-male individual should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.

7. Transgender Woman or Male-to-Female (MTF): A person who transitions from male to female, meaning a person who was assigned male at birth, but identifies and lives as female or as a woman. A male-to-female individual should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.

8. Intersex: People who possess or develop physical sex characteristics that do not fit into conventional medical definitions of male or female. This can include chromosomes, genitals, hormones and more. Intersex people have been referred to in the past as "hermaphrodites" However "Intersex" is the preferred term.

9. Gender non-conforming: A person's physical appearance, characteristics and/or behaviors that do not conform to those typically associated with the person's sex at birth or traditional societal gender expression. Some transgender people may not identify as male or female.

- D. Employees Shall Address and Refer to Transgender Individuals by Their Adopted Name and Preferred Pronouns, even if that name is not legally recognized, in all conversations with the transgender individual or any other person when referring to the transgender individual. In addition, when addressing or referring to a transgender individual, employees will use pronouns preferred by the individual.
- E. If employees are uncertain about which pronouns are appropriate, employees will respectfully ask the individual which pronouns are preferred.
 - 1. *She, her, hers* for an individual who is a transgender woman
 - 2. *He, him, his* for an individual who is a transgender man
 - 3. *They, them, their* for an individual who is gender non-conforming and/or prefers gender-neutral pronouns.
- F. When completing official UMPD documents, the arresting officer will include a transgender individual's adopted name as the *Also Known As* (A.K.A) name.
- G. When processing a transgender individual into the Regional Processing Center, officers will use the individual's legal name and enter any adopted name as the A.K.A. name. If no identification is available, and the arresting officer cannot determine a transgender individual's legal name, officers will use the adopted name for either the primary or the A.K.A. name.
- H. Transgender Status is Never by Itself a Lawful Basis for a Stop, Search, or Arrest
- I. Officers Will Not Conduct Any Searches to Determine an Individual's Sex and will not subject transgender individuals to more invasive pat-down and/or search procedures than non-transgender individuals. If possible, two officers should be present to search a transgender individual.
- J. Officers Will Inform Transgender Individuals of Their Right to Express a Preference of Officer Gender for Searches absent ex-

igent circumstances. If the transgender individual has a preference, at least one officer of the gender requested will conduct the search, whenever possible. Officers must take into account the reasonableness of any delay created by waiting for another officer. If an officer of the preferred gender is not available, officers will proceed with the search. If the transgender individual does not specify a preference, at least one officer of the same gender as the transgender individual's gender expression will conduct the search. When in doubt regarding any searches of a transgender individual, officers will call a supervisor to the scene prior to searching.

2.602.10 Strip Searches

- A. Strip searches (adult and juvenile), including inspections of body cavities not involving physical probing into body cavities, will be conducted only with supervisory or administrative approval when reasonable suspicions exist that persons are secreting weapons, implements of escape, contraband, fruits of crime or evidence.
- B. Strip searches determined to be necessary for criminal investigation purposes will be conducted only upon obtaining written consent or search warrants.
- C. Strip searches will be conducted by employees of the same sex and only by the number of employees necessary to accomplish searches. Such searches will be out of the view of persons not directly involved in conducting searches.
- D. Persons being searched will not be unclothed longer than necessary to conduct strip searches.
- E. Strip searches will not be video taped or monitored.
- F. Agency reports relating to incidents wherein strip searches were conducted will include:
 1. Facts and circumstances leading to the necessity of strip searches being conducted;
 2. Names of officers approving, conducting, and witnessing strip searches; and
 3. Search results.
- G. A strip search is defined as the removal or rearrangement of clothing to permit visual inspection of a person's: undergarments, buttocks, anus, genitalia, and/or breasts.
- H. The following does 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; and/or
 3. Other exigent circumstances (i.e. checking a suspected suicide bomber).

2.602.15 Body Cavity Searches

- A. Body cavity searches (adult and juvenile) involve physical intrusions into individual's mouths, 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. Body cavity searches will be conducted only when probable cause exists to believe that individuals are secreting weapons, implements, contraband, fruits of crime, or evidence within their bodies.
- C. Body cavity searches may be conducted incident to lawful arrests or pursuant to search warrants describing reasonable means of conducting searches.
 1. Mouths are the only body cavities that may be searched without search warrants.
 2. Search warrants must be obtained for all other body cavity searches. Supervisory or administrative approval is necessary for officers to initiate body cavity search warrant applications.

3. Body cavity searches conducted on the authority of search warrants must be conducted by licensed primary health care providers at medical facilities.
 4. Body cavity searches will be observed by officers of the same sex and only by the number of employees necessary to accomplish searches. Such searches will be out of the view of persons not directly involved in conducting searches.
 5. Persons being searched will not be unclothed longer than necessary to conduct body cavity searches.
 6. Reasonable, prudent, and necessary force may be used to conduct body cavity searches.
- D. Some factors considered by officers when contemplating reasonableness of proposed body cavity searches include, but are not limited to:
1. Threats to life or safety posed by proposed procedures;
 2. The extent of contemplated intrusions upon individuals' body integrity;
 3. The reasonableness of methods employed to search;
 4. The availability of evidence from less intrusive sources;
 5. The type of crimes for which the individuals were arrested;
 6. The individual's ages; and
 7. Specific factors giving rise to belief that items being sought are concealed somewhere in the individual's bodies.
- E. Agency reports relating to incidents wherein body cavity searches were conducted will include:
1. Facts and circumstances leading to the necessity of body cavity searches being conducted;
 2. Names of officers approving search warrant application and witnessing body cavity searches;
 3. Names of judges signing search warrants;
 4. Names of primary health care providers conducting body cavity searches; and
 5. Search results.

2.604 RESTRAINING DEVICES

- A. Detainees will be restrained with handcuffs and seatbelts during transport except as described herein.
 1. Officers may exercise discretion in deciding whether to handcuff detainees based upon:
 - a. Arrest circumstances;
 - b. Nature of offenses; or
 - c. Conduct, physical condition, or disabilities of detainees.
 2. Officers with any doubts relating to detainees' conduct will handcuff them.
 3. When handcuffs are utilized, detainees will be handcuffed with their hands, palms out, behind their backs.
 4. Seat belting extremely combative detainees in vehicles equipped with safety barriers is recommended, but not mandatory.
 5. Handcuffs will be double locked immediately unless temporarily delayed because of exigent circumstances.
 6. Restraining devices will not be utilized if such use would exacerbate injuries, illnesses, or disabilities.
 7. Handcuffs and other restraining devices will be applied to adequately restrain detainees without jeopardizing officer safety or causing injuries to detainees.
 8. Juveniles taken into custody only for status offenses will not be handcuffed or otherwise restrained.
- 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
 - 4. "Violent Prisoner Restraining System" (VPRS).
- D. 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 manners 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. Appropriate restraining devices will be utilized when transporting mentally disturbed persons.
 - 1. Officers will use their best judgment to determine the most appropriate methods of restraint for mentally disturbed persons.
 - 2. Officers should consider the use of ankle cuffs or VPRS based on officers' assessments of the behavior of mentally disturbed persons.
 - 3. Officers will request assistance from PGFD EMS personnel to restrain and transport extremely aggressive or combative mentally disturbed persons.
 - 4. Circumstances surrounding transport of mentally disturbed persons will be contained in agency reports of such incidents.
- I. Excepting use of the VPRS, detainees will not be handcuffed or otherwise restrained:
 - 1. To parts of transport vehicles such as door frames, posts, or steering wheels;
 - 2. Linked to each other; or
 - 3. In a "hog-tying" position or other position reasonably known to possibly contribute to "positional asphyxia."
- J. Facts and circumstances leading to increased or enhanced use of restraints will be included in agency reports related to the incidents.
- G. Transporting officers will request necessary assistance 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 PGFD EMS personnel to assist in transporting disabled detainees when agency vehicles will not accommodate transports due to size of required medical apparatus or the severity of disabilities.
- H. Sick or injured detainees will be transported and treated consistent with **2.608**.
- I. Officers transporting detainees in vehicles equipped with video systems will aim cameras on detainees during transport and conform to operating protocols established in **2.150 Vehicle Video System**.
- J. Officers Will Transport and Secure Transgender Individuals Alone, Whenever Possible. **If** necessary, officers will call additional officers to the scene to assist with transporting transgender individuals.

2.606.02 Searching Police Vehicles Used in Detainee Transport
Officers are responsible for ensuring vehicles are searched prior to beginning their tours of duty in addition to before and after transporting detainees.

2.606.04 Staffing of Transport Vehicles

- A. Primary transport vehicles for use during normal operations are the agency's marked and unmarked cruisers.
- B. When one officer is transporting one detainee in a vehicle without a safety barrier, the detainee will be placed on the front passenger seat.
- C. When one officer is transporting more than one detainee in a vehicle without a safety barrier, the detainees will be placed on the rear passenger seats.
- D. In situations where two officers are transporting one detainee in vehicles without safety barriers, second officers and detainees will sit on the rear seats. Detainees will be seated on the side away from second officers' weapons.
- E. In situations where two officers are transporting two detainees in vehicles without safety barriers, detainees will be on front passenger and rear passenger sides with the second officer seated behind drivers. No more than two detainees will be transported in cruisers without safety barriers.
- F. For vehicles with safety barriers, transporting officers will place detainees on the rear seats. When one detainee is being transported, they will be placed on the right, rear seats.
- G. In situations where officers are transporting detainees seated on rear seats, rear seat window operations will be electronically locked out and door opening mechanisms over-ridden.
- H. Extremely disorderly or violent detainees will be transported by two officers, if possible.
- I. Agency vans are configured and utilized for passenger and equipment transportation, but may be utilized for detainee transportation in exigent circumstances and where physical threats to transporting officers are minimal.

2.606.06 Security During Transport

2.606 DETAINEE TRANSPORT

- A. Transporting officers will search detainees coming into their custody regardless of whether they have been previously searched.
- B. Detainees will be removed without unnecessary delay from arrest scenes and transported directly to appropriate police, detention, or medical care facilities.
- C. Naked 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 sex.
- D. Juveniles and adults, male and female detainees should not be transported in the same vehicles, unless arrests were made as part of same incidents.
- 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.

- A. Officers are responsible for the security of detainees in their custody.
- B. Officers will maintain visual contact with detainees during transport.
- C. Officers will not routinely divert nor delay detainee transport.
- D. Officers performing transports may take police actions when there is grave and imminent danger to third parties and assistance can be rendered without endangering detainees or compromising their security.

- E. Officers transporting detainees to other facilities will comply with operational directives of those facilities as they relate to detainee security. Transporting officers will:
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 personnel or facilities;
 4. Advise receiving personnel of real or potential medical or security hazards; and
 5. Obtain signatures of receiving personnel and/or documentation detailing the detainee transaction.

2.606.08 Transport Notifications

- A. Officers beginning detainee transports will transmit their mileage and destination to communications.
- B. Officers ending detainee transports will transmit arrival and mileage information to communications. Transporting officers out of radio system range will report destination and mileage information by calling Communications on a recorded line.
- C. Officers interrupting detainee transports for any reason will notify communications of their mileage, location, and reason for the interruption.
- D. Recorded radio transmissions and phone conversations, in addition to on-line data entered by Communications personnel, document detainee transport notifications.

2.606.10 Escapes During Transport

- A. If an escape occurs during detainee transport within agency jurisdiction, transporting officers will:
1. Immediately notify Communications and provide information that includes, but is not limited to:
 - a. Location of escape;
 - b. Complete description of the detainee;
 - c. Direction of travel;
 - d. What the detainee was in custody for; and
 - e. Whether the detainee is a danger to self, officers, or the community;
 2. Make every practical attempt to apprehend the detainee by cooperating with responding supervisory personnel and other units; and
 3. Prepare report continuations for inclusion with reports of incidents leading to initial arrests; and
 4. Ensure CIS is sent.
- B. If an escape occurs during detainee transport outside agency jurisdiction, transporting officers will:
1. Immediately facilitate notification to the agency with jurisdiction wherein the escape occurred and provide information that includes, but is not limited to:
 - a. Location of escape;
 - b. Complete description of the detainee;
 - c. Direction of travel;
 - d. What the detainee was in custody for; and
 - e. Whether the detainee is a danger to self, officers, or the community;
 2. Attempt to notify agency communications of escape information;
 3. Offer to assist in attempting to apprehend the detainee by cooperating with responding supervisory personnel and other units;
 4. Prepare report continuations for inclusion with reports of incidents leading to initial arrests; and
 5. Ensure CIS is sent.
- C. Local apprehending jurisdictions have priority in arrest and charging of offenses against escaped detainees.

- D. Agency officers will take custody of recaptured detainees if local apprehending jurisdictions decline to process recaptured detainees.
- E. Detainees escaping within agency jurisdiction and subsequently recaptured will be charged with escape in addition to the initial charges leading to their arrest.
- F. Administrative investigations into escape circumstances will be consistent with **2.900**.

2.606.12 Documentation Necessary for Transport

- A. The agency's primary detainee transport responsibilities are for transporting detainees to the RPC for processing and subsequent presentation to District Court Commissioners.
- B. Arresting officers will provide DOC personnel with:
1. Charging documents indicating detainees' names and other personal descriptors;
 2. Medical treatment release records, if applicable; and
 3. Inventoried personal effects of detainees.
- C. Officers may transport detainees from detention facilities in order to interview them and/or serve outstanding charging documents held by this agency.
1. Officers needing to transport detainees from detention facilities must first notify the facility of:
 - a. Detainees' names, races, sexes, dates of birth and other personal descriptors that will assist in locating and identifying the person to be transported; and
 - b. Reasons for the transports.
 2. Transporting officers should ensure they have the correct persons when picking up detainees for transport at detention facilities. This can be accomplished by:
 - a. Officers' personal knowledge of detainees; and/or
 - b. Requesting verification by detention facility personnel of detainees' identities. Identification will be accomplished by comparing booking records or other verification of detainees' identities based on booking directives and procedures of agencies holding detainees.
 3. Transporting officers will provide the detention facility with a copy of any outstanding warrants to be served during transports of detainees.
- D. Transporting officers are responsible for notifying appropriate personnel at transport destinations of any real or potential security, health, or suicide risks involving transported detainees.

2.606.14 Special Detainee Transport Requests

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 notify receiving personnel or agencies of detainee's special transportation requests.

2.608 SICK OR INJURED DETAINEES

- A. Officers will ensure, to the best of their capabilities, that detainees receive necessary medical attention prior to arrest processing.
1. PGFD 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 PGFD personnel.

- B. Detainees requiring medical treatment will be transported to appropriate medical facilities.
 - 1. Choice of medical facilities will be determined by EMS protocols if transportation is being provided by EMS units.
 - 2. Choice of medical facilities will be determined with agency supervisory approval if transport is being provided by agency units. Authorized facilities, in order of preference, are:
 - a. Prince George's General Hospital;
 - b. White Oak Medical Center;
 - c. Doctor's Community Hospital; and
 - d. Greater Laurel Beltsville Hospital.
- C. Officers 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. Desires of EMS personnel.
- D. Officers will obtain copies of detainees' discharge summaries whenever emergency department medical records are prepared for detainees.
- E. Arresting officers are required to photograph detainees who are injured or allege injuries when clearly observable injuries are present. Photographs should be taken following cleaning and/or treatment of those areas that are injured/alleged injured.
- F. Officers must document detainee's verbal injury complaints and include their own observations of injuries in their report.
- G. While the DOC medical staff can handle certain non-life threatening medical conditions of committed detainees, some medical problems 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.

2.608.10 Detainee Security at Medical Facilities

- A. Officers transporting detainees to medical facilities should ensure facility security personnel are notified and aware of the situation and should seek assistance from those personnel as reasonable and prudent.
- B. Officers will comply with security procedures established by medical facilities that are not in conflict with agency directives.
- C. Officers will contact agency supervisors when medical facility security procedures conflict with agency directives.
- D. Officers maintaining custody of detainees at medical facilities are responsible for their security until custody is formally transferred to other authorities.
- E. If detainees are admitted to hospitals, arresting officers will contact supervisory personnel and determine whether to:
 - 1. Release detainees from custody and apply for warrants;
 - 2. Request District Court Commissioners respond to conduct arraignments; or
 - 3. Remain with detainees until they are released from medical

care.

- F. In order to request Commissioners to conduct arraignments in hospitals:
 - 1. Defendants must be admitted to hospitals and not be temporarily on the premises for treatment in emergency facilities;
 - 2. Defendants must be conscious, speak English and be able to understand all aspects of initial appearance proceedings;
 - 3. Arresting officers must have completed all arrest related paper work;
 - 4. There must be some valid reasons why arresting officers cannot file for Statements of Charges or charge by way of citations; and
 - 5. The agency must be willing to provide transportation for Commissioners both to and from hospitals.
- G. DOC will be contacted to arrange for transfer of custody when commitments are issued for hospitalized detainees.
 - 1. DOC maintains a security unit at Prince George's General Hospital for hospitalized detainees.
 - 2. If the DOC security unit is full, arresting officers must contact DOC in Upper Marlboro in order to request the establishment of a security detail.

2.608.20 Dispensing Medication to Detainees

- A. Agency employees will not dispense medications to, or allow self medication by, detainees unless they are non-prescription, legal medications or legal prescription medications that can be verified by a pharmacy, the Physician's Desk Reference, or the detainee's certified health care practitioner.
- B. Detainees needing medications not in their possession at the time of their arrest will be afforded opportunities to place calls in order to have the medications delivered.
- C. Medications will be dispensed only in accordance with labeling or health care practitioner's instructions.
- D. Details concerning the dispensing of medications to detainees will be contained in arrest related reports.

2.610 ARREST ON WARRANT FROM OTHER AGENCIES

- A. Officers will ensure that warrants are confirmed and printed copies obtained before transporting arrestees to the RPC for processing. DOC personnel are responsible for facilitating processing and presenting arrestees to District Court Commissioners.
 - 1. For warrants held by this agency, the warrants will accompany arrestees to the RPC.
 - 2. For warrants held by OSPG, printed warrant confirmations can be obtained through RPC resources.
 - 3. For warrants held by other Maryland agencies, officers must provide RPC personnel copies of TTYs confirming open warrants and ensure agencies holding same FAX warrant copies to the RPC.
 - 4. For extraditable warrants held by non-Maryland agencies, officers must contact OSPG to coordinate warrant confirmation. Confirmed extraditable warrants will result in OSPG obtaining Maryland fugitive charges and sending those fugitive warrants via FAX to the RPC.
- B. Agency officers will assist officers from other agencies who present warrants or charging documents for persons within the jurisdiction of this agency.
- C. Fugitives will not be surrendered to officers who do not have jurisdiction within the state unless the extradition processes is completed.
- D. Reports of all arrests on warrants from other agencies will be written containing:
 - 1. Reasons for agency officers initially contacting wanted persons;
 - 2. Warrant numbers and charges;
 - 3. Names, ID numbers, and agencies of personnel receiving de-

tainees; and

4. Date and time custody is transferred.
- E. Separate PGPD arrest record reports must be completed and submitted to DOC personnel to facilitate processing and presentation.

2.612 AGENCY CHARGING DOCUMENTS HELD BY OSPG

- A. Charging documents obtained by this agency may be submitted to OSPG for service.
 1. Charging documents obtained by this agency and submitted to OSPG may be served with arrestees being fully processed by OSPG personnel.
 2. Officers may attach written requests to charging documents submitted to OSPG asking that the agency be immediately notified when subjects have been detained in order for agency officers to process the subjects. Local processing requests must receive supervisory or administrative approval prior to being submitted to OSPG.
 3. Charging documents obtained by this agency will be turned over to OSPG after 30 days of issuance unless approved by a Bureau Commander.
- B. When notified by OSPG that their personnel have served charging documents submitted to them by this agency, the agency officers so notified will:
 1. Prepare continuation reports on incidents utilizing original CCNs of the incidents that lead to acquisition of the charging documents;
 2. Enter all necessary information in the RMS;
 3. Submit OSPG related arrest documents to the Records Unit; and
 4. Not generate additional CCNs for charging document service conducted by OSPG.
- C. Officers must take custody of subjects within two hours of notification when OSPG notifies the agency of the detention of subjects for whom written requests for local processing exist.
 1. Transportation of subjects detained by OSPG for local processing will be conducted by on-duty patrol squad personnel. If operational considerations preclude transport by agency personnel, OSPG will be instructed to fully process the subjects at OSPG facilities.
 2. Investigations Unit personnel who placed local processing requests will be paged and requested to respond to Headquarters to conduct the processing.
 3. Local processing requests submitted by patrol squad personnel will be processed by on-duty patrol squad personnel.
 4. Officers locally processing subjects originally detained by OSPG will do so consistent with **2.622**.
 5. Additional CCNs will be generated for charging document service when subjects originally detained by OSPG are processed locally.
 - a. Charging document service CCNs will be referenced to original CCNs of the incidents that lead to acquisition of the charging documents.
 - b. Continuation reports will be prepared on incidents utilizing original CCNs of the incidents that lead to acquisition of the charging documents.

2.620 PROCESSING ARRESTEES

- A. Consistent with **2.660**, the routine processing of agency detainees will normally be conducted in the THF, however there may be circumstances that require processing at the RPC operated by DOC unless otherwise authorized by the chief or a bureau commander.
 1. Officers are responsible for complying with applicable RPC procedures that are not in conflict with agency directives.
 2. Officers will contact agency supervisors when RPC proce-

dures conflict with agency directives.

3. Officers are responsible for maintaining security and custody of arrestees until custody is formally accepted by RPC personnel.
- B. Officers are not compelled to file charges against all persons who are arrested by this agency.
 1. See also **1.318 Discretion** and **1.319 Alternatives to Arrest**.
 2. Officers will not file charges against persons when, even though probable cause existed at the time of arrests, investigations or other situations lead to the diminishment of probable cause to the point that it no longer exists.
- C. All full-custody adult arrests resulting in charges being filed against persons must be completely processed with the exception of arrests on other agency warrants.
- D. Persons charged via criminal summonses, or as the result of full-custody traffic arrests, may be photographed and fingerprinted at the option of charging or processing officers and with the cooperation of arrestees. Fingerprinting, when conducted as the result of charging via criminal summonses, will involve transporting the arrestee to UMPD headquarters and utilizing the Livescan system.
- E. Arresting officers are responsible for entering alcohol or CDS related driving offenses into the RMS. Other directives specifically pertaining to arrest processing of traffic violators are contained in **2.200 Traffic**.
- F. Arresting officers are responsible for ensuring all arrest related documents, forms, reports, etc., are completed, approved, and submitted to appropriate personnel or units prior to ending their tours of duty wherein arrests were made unless they receive specific authorization from supervisory or administrative ranked personnel. Such instances will be documented via e-mail to **RECORDS** and the primary PIO and will contain estimated completion dates and times.
- G. Documentation necessary for detainee presentation before judicial officers must be completed to ensure compliance with Maryland Rule 4-212.
- IH 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 **2.418.30 Other Foreign Nationals**.

2.622 ADULT ARREST DOCUMENTATION

- A. Arrest Processing Manuals containing copies of these directives and completed sample arrest related forms are available in the Duty Office and Temporary Holding Facility.
- B. Officers arresting, but subsequently not charging, persons will cease the arrest processing sequence at that point where decisions are made not to file charges.
 1. All arrest related documentation completed up to the point where the arrest processing sequence is terminated will be submitted to the Records Unit prominently marked VOID following report review and approval of supervisory or administrative ranked approval. Records Unit personnel are responsible for ensuring such documentation is destroyed.
 2. Reports of incidents wherein persons are arrested and released without charges being filed will contain facts and circumstances describing the incidents, how initial probable cause was established, and, if applicable, circumstances leading to diminishment of probable cause.
- C. Completed arrest related documentation will be forwarded to the Records Unit after review by supervisory or administrative personnel and before arresting officers' going off-duty.
 1. Supervisory or administrative approval may be given for officers to delay submitting documentation based on exigent circumstances. Submission of charging documents and fingerprint cards will not be delayed. Such instances of delay

- will be documented via e-mail to **RECORDS** and the primary PIO and will contain estimated completion dates and times.
2. All relevant facts and circumstances relating to arrest related incidents will be included in agency reports related to the incidents.
 3. Consult **2.706.40 Processing** for arrest processing modifications permitted during mass arrest situations.

2.622.02 Arrest Numbers (C-Numbers)

- A. Arrest numbers are auto-generated in the RMS.
- B. Arresting officers must ensure that arrest numbers are obtained for all:
 1. Criminal arrests;
 2. Citations in lieu of custodial arrests;
 3. Criminal summonses as they are served;
 4. Services of warrants issued to agency personnel; and
 5. Juvenile arrests.
- C. Procedures for obtaining arrest numbers are contained in the arrest processing manual.

2.622.16 Detainee Property & Screening Record

- A. Detainees will be searched consistent **2.602**.
- B. Arresting officers will ensure that Detainee Property and Screening Records are completed for all detainees brought into the agency's temporary holding facility in order to record:
 1. Arrest information (to include documenting the reason, date and time in and out of the THF);
 2. Property held pending its return at time of release;
 3. Visual observances of < 30 minute intervals; and
 4. Apparent physical condition of detainees, including but not limited to:
 - a. Current health;
 - b. Medications currently being taken;
 - c. Behavior, including state of consciousness and mental status; and
 - d. Body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.; and
 5. Any meals provided during the detention.
- C. A Detainee Property and Screening Record need not be completed for outside agency arrestees who are brought to UMDPS only for Intoximeter tests.
- D. Security of detainees' property is the responsibility of custodial officers pending detainees' dispositions.
- E. Property being retained by the agency as evidence or contraband will be recorded separately on Property Receipts consistent with **2.500 Evidence and Property Management**.
- F. Detainees in the detention cell or in areas used for processing are allowed to retain on their person only:
 1. Essential items of clothing being worn;
 2. Shoes with the laces removed;
 3. Eyeglasses, contact lenses, or hearing aids being worn; and
 4. Essential life-assist items of the disabled.
- G. Property will be inventoried in view of detainees from whom the property is being taken unless they are violent, unconscious, or otherwise incapable of witnessing the inventory process.
 1. Detainees will be requested to sign Detainee Property and Screening Records witnessing the accurate listing of property inventoried.
 2. Arresting or processing officers will have other officers witness and sign detainee property inventories when detainees are unwilling or incapable of signing Detainee Property and Screening Records.
 3. Property pending its return at time of release will be placed in property storage lockers until detainee disposition.
- H. Property not being retained as evidence or contraband will be

returned to detainees upon release from agency custody.

1. Arresting or processing officers will have other officers sign Detainee Property and Screening Records witnessing detainee property inventories when detainees are unwilling or incapable of signing for release of their property.
2. When detainees are remanded to the custody of DOC or OSPG, officials accepting custody will sign in **Official Accepting Custody** section.
 - a. Detainees' property will then be turned over to officials accepting custody of detainees.
 - b. Copies of Detainee Property and Screening Records will be provided to officials accepting custody of detainees.
3. Release of detainees' property to private citizens is prohibited unless detainees give their written consent to do so.
4. Alleged discrepancies in personal property inventories claimed by detainees must be brought to the attention of supervisory or administrative ranked personnel prior to detainees being released. Alleged discrepancies will be documented in a CIS and investigated consistent with **2.900 Complaints and Discipline**.

2.622.17 Detainee Property at DOC Facilities

- A. Consistent with DOC directives, arrestees taken to the RPC will be permitted to bring only listed property into the facility. All other property will be refused entry. Permitted property is:
 1. Personal clothing worn at the time of transfer;
 2. Religious materials;
 3. Legal papers;
 4. Blank envelopes and writing paper;
 5. Wireless address books or lists of addresses of relatives and friends;
 6. Pencils, magic markers, and felt tip pens;
 7. Family pictures, maximum of 5 unframed;
 8. Cash, check, or money orders for deposit into inmate accounts;
 9. Acceptable prescription medications, glasses, dentures; and
 10. Other items as approved by the DOC Chief, Division of Security Operations or the Medical Unit.
- B. High value items such as wallets, jewelry, and watches will only be accepted when received from arresting officers in conjunction with initial screening.
- C. Items not accepted under any circumstances are:
 1. Smoking materials, tobacco, or matches;
 2. Cosmetics or toiletry items;
 3. Food or beverages;
 4. Extra personal clothing; and
 5. Radios, televisions, or other electronic equipment.
- D. Property not accepted by DOC personnel must either be lawfully disposed of by arrestees or retained by agency officers on Property Receipts consistent with **2.500 Evidence and Property Management**.
- E. When officers transport a transgender individual to the RPC or otherwise transfer custody to another law enforcement agency, the officers will verbally advise the receiving agency/officer that the individual is transgender. The officer will relay any other relevant identification related information, including how the individual would like to be addressed.

2.622.18 Adult Fingerprinting

- A. Arresting officers are responsible for ensuring arrestee is printed using the Hyattsville Regional Processing Center Livescan system or the UMPD Livescan system.
- B. All adults and juveniles charged as adults who are arrested on criminal, non-traffic charges will be fingerprinted using one of these Livescan systems.

- C. Juveniles arrested and charged as juveniles for criminal, non-traffic charges will be fingerprinted using one of these Livescan systems.
- D. See **2.620** for optional fingerprinting authorizations.
- E. Instructions for fingerprinting using Livecan systems are contained in arrest processing manuals.

2.624 OBTAINING CRIMINAL HISTORY INFORMATION

- A. DOC personnel assume the responsibility of ensuring full information and criminal history checks are conducted on all arrestees brought into the RPC.
- B. Officers may request Communications personnel run information and criminal history checks using agency resources consistent with MILES and NCIC directives.

2.628 REFUSAL OR INABILITY TO COOPERATE IN PROCESSING

- A. DOC personnel at RPCs assume the responsibility of ensuring arrestees are positively identified and complete mandated processing components such as photographing and fingerprinting.
- B. The CJIS Central Repository is used by DOC personnel to assist in determining positive identities of detainees who refuse or are unable to provide booking information.
- C. Uses of force by DOC or agency personnel during processing of this agency's arrestees will be documented in arrest related reports. Officer's involvement in those uses of force will be investigated consistent with **2.900 Complaints and Discipline**.

2.628.10 CJIS Central Repository

- A. The CJIS Central Repository staffs, Monday through Saturday from 0800-2300, a fingerprint hotline center in order to assist law enforcement agencies making urgent or critical identifications of unknown subjects, arrestees, or decedents.
- B. In order to use services of the Special Processing Center, officers will:
 - 1. Obtain a full set of fingerprints, printed nail to nail and including the digit line;
 - 2. Obtain approval of agency supervisory or administrative personnel; and
 - 3. Call the CJIS Central Repository utilizing the phone number contained in CAD and RMS and provide them with all available subject information including:
 - a. Name;
 - b. Date of birth;
 - c. Social Security Number;
 - d. Race, sex, eyes, hair, height, weight;
 - e. Scars, marks, tattoos; and
 - f. FBI Number.
- C. The fingerprints will be submitted to the FBI electronically via CJIS.
- D. Officers may also FAX prints to the CJIS Central Repository using the phone number contained in CAD and RMS. Staff will call with the results.

2.630 DETAINEES' AGES UNDETERMINED

- A. Arresting officers will process arrestees as adults if their ages cannot be established, unless officers can reasonably assume by personal observations that detainees are juveniles.
- B. Arresting officers will submit continuation reports and notify the Clerk of the Court as necessary when detainees charged as adults are later discovered to be juveniles.

2.632 PHOTOGRAPHING DETAINEES

- A. Arresting officers will ensure photographs of detainees are taken

with digital cameras provided by the agency.

- 1. Arrest related photography at the RPC may be facilitated by DOC personnel to ensure compliance with processing requirements.
- 2. Officers may use reasonable force while attempting arrest related photography at Headquarters. The force utilized will be documented in arrest related reports. Officers will cease photographing efforts at Headquarters when, in the judgment of arresting or processing officers or supervisory personnel, continued efforts may result in injury to officers or detainees.
- 3. Officers will download the digital photographs taken in conjunction with arrests and include them in the RMS report.
- B. Arrest related photographs to be made are:
 - 1. Two full face photos;
 - 2. One right profile photo; and
 - 3. Others as necessary for the Investigations Unit.
- C. Arresting officers may photograph scars, marks, tattoos, or other distinguishing features of detainees.
- D. Photos will be taken against a neutral background when possible in order to facilitate use during photo lineups.

2.634 INTERROGATIONS

- 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. When so advising suspects or detainees, officers will transmit to communications the fact that rights were read or record the information in their reports.
- 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. There are no requirements for officers to affirmatively suggest to juveniles that they need or should have legal representation during interrogation.
 - 3. Officers interrogating juveniles will explain to them the juvenile justice system and the agency's directives relating to juvenile interrogations.
 - 4. The ages of juveniles and the nature of the alleged offenses are factors that must be considered when determining appro-

priate 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.
5. Interrogating officers may confer with parents or guardians to discuss interrogation processes. These conferences may be held before, during, or after interrogations as considered appropriate by interrogating officers.

2.634.10 Debriefing Arrestees

- A. In addition to interrogating suspects as appropriate, officers will interview and debrief all persons arrested by this agency in an attempt to obtain information on other criminal activities.
- B. Officers will inform arrestees that:
 1. The information will be passed on to the appropriate law enforcement agency; and
 2. The OSA will be informed of their cooperation for possible consideration in arrestee's current cases.
- C. Officers processing arrestees at RPCs will ensure debriefing attempts and results are written on PGPD arrest records and submitted to the PGPD Desk Officer. An additional copy will be submitted to this agency's Patrol Commander.
- D. Officers processing, interviewing, testing, etc. suspects or arrestees at agency facilities will ensure debriefing attempts and results are included in related agency reports.

2.636 PRESENTING DEFENDANTS BEFORE 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. DOC personnel 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 employees.

2.637 SCREENING REQUIREMENTS

2.637.10 General Screening Requirements

- A. Arresting officers must contact the OSA within 72 hours following arrests involving charges herein described in order to schedule screening appointments.

1. Homicide, narcotics, and police shooting cases will be screened by the OSA Homicide/Narcotics Division.
 2. Felonies, excepting felony theft, car theft, and bad check cases, will be screened by the OSA Criminal Trials Division.
 3. Cases involving convicted criminals in possession of handguns or cases involving vulnerable adults should also be screened.
 4. Serious misdemeanors and bad check cases will be screened by the OSA District Court Division.
 5. Fatal motor vehicle collision cases will be screened by the OSA Criminal Trials Division.
 6. Juvenile felony and serious misdemeanor cases will be screened by the OSA Juvenile Division.
 7. Complex cases, newsworthy incidents or suspects, or cases needing other special attention will be screened through the OSA District Court Division.
 8. All auto theft arrest cases will be screened by the OSA District Court Division.
 9. All cases involving loaded handguns will be screened by the OSA District Court Division.
- B. Appointments are scheduled during normal business hours usually within 14 days following arrests.
 - C. OSA personnel must be informed at the time screening appointments are made if there are multiple cases involving the same defendant or defendants.
 - D. Screening is necessary even though preliminary hearings are held. Cases lacking necessary screening cannot be remedied at preliminary hearings.
 - E. Defendants may be recharged with agency administrative ranked approval and OSA District Court Chief when felony charges have been dismissed because of non-compliance with screening requirements.

2.637.20 Documents Necessary at Screening

- A. Arresting officers will ensure that copies of all arrest and disposition reports are available for case screening.
- B. As applicable to individual cases, documents needed for case screening include, but are not limited to:
 1. Crime, incident, investigative reports, and other pertinent reports of crimes for which defendants are believed responsible;
 2. Originals and two copies of warrants and applications for statements of charges;
 3. Copies or any warrants for searches or electronic surveillances;
 4. Criminal histories;
 5. Forensic laboratory reports;
 6. Photographs;
 7. Witness information;
 8. Officers' rough notes;
 9. Other information which will assist the OSA in determining proper charges.
- C. Arresting officers will provide OSA personnel with all related case information and documentation when suspects have not been charged in conjunction with all of the offenses they are alleged to have committed.

2.638 JUVENILE ARRESTS & DOCUMENTATION

- A. Arrest Processing Manuals contain copies of these directives and completed sample juvenile arrest related forms.
- B. Completed juvenile arrest related documentation will be forwarded to the Records Unit. This documentation should include fingerprints, photographs, and other forms of identification.
- C. Officers taking juveniles into custody will complete Detainee Property & Screening Records consistent with **2.622.16** to determine if juveniles have been harmed or are in danger of being

harmful. Necessary medical treatment will be provided consistent with **2.608**.

- D. Officers taking juveniles into custody will complete the State of Maryland Juvenile Holding log for any juvenile offender held regardless of their classification.
- E. Other directives related to juvenile operations are contained in **2.434 Juvenile Contact and Operations**.

2.638.01 Juvenile Custody Dispositions

- A. Officers are not compelled to file charges against all juveniles who are taken into custody by this agency.
 - 1. See also **1.318 Discretion** and **1.319 Alternatives to Arrest**. Officers may, as the severity of incidents dictate, release juveniles outright or to responsible parties with no further formal actions being taken.
 - 2. Juveniles may be taken into custody without formal charges being placed for violations applying specifically to children consistent with **2.644 Status Charges**.
 - 3. Officers will not file charges against juveniles when, even though probable cause existed at the time of arrests, investigations or other situations lead to the diminishment of probable cause to the point that it no longer exists.
- B. Juveniles may be issued citations in lieu of custodial arrests consistent with **2.416.15 Juvenile Citations**.
- C. Juveniles may be referred to juvenile courts consistent with **2.638.06 Juvenile Charging Documents** and to adult courts consistent with **2.638.02 Juveniles Charged as Adults**.

2.638.02 Juveniles Charged as Adults

- A. Juveniles will be charged as adults when they are accused of crimes enumerated in CJ 3-8A-03(d) or when instructed to do so upon consultation with OSA personnel.
- B. Juveniles charged as adults will be processed consistent with **2.622**.
- C. Juvenile cases waived to adult courts must be charged immediately by arresting officers and taken before Commissioners.
 - 1. No more than 24 hours must pass without charges being made.
 - 2. Arresting officers must appear at all waiver hearings.

2.638.04 Arrest Numbers

- A. Arrest numbers must be obtained when juveniles are arrested on:
 - 1. Criminal charges; or
 - 2. Juvenile status offenses.
- B. Arrest numbers may be obtained through the RMS.

2.638.06 Juvenile Charging Documents

- A. Copies of agency crime reports serve as statements of probable cause for juvenile arrests and as reporting documents to the Juvenile Section of the OSA and DJS.
- B. Charging officers will ensure reports contain:
 - 1. Enough information to establish probable cause for all offenses for which charges are requested;
 - 2. Complete names, addresses, and telephone numbers of persons accepting custody of juveniles;
 - 3. Complete names, addresses, and telephone numbers of all witnesses to be summonsed;
 - 4. Schools being attended by juvenile arrestees;
 - 5. Listings of applicable charges and statute citations; and
 - 6. Statements, endorsed with officers' signatures, at the end of report narratives, reading:
"I do affirm under the penalties of perjury and upon personal knowledge that the contents of the attached complaint are true."
- C. Charging officers are responsible for printing and submitting

endorsed copies of their juvenile related arrest reports to the Records Unit.

2.638.08 Juvenile Traffic Charges

- A. Copies of agency crime 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.

2.638.10 Juvenile Fingerprinting

- A. Adult fingerprint processing directives will be followed for juveniles charged as adults or when juveniles are arrested for:
 - 1. Felonies;
 - 2. Breaking and entering;
 - 3. Unauthorized use of motor vehicle;
 - 4. Sex crimes;
 - 5. Handgun or concealed weapons offenses; or
 - 6. CDS offenses, excepting simple possession of marijuana or hashish.
- B. Juveniles custodially charged with criminal offenses not listed in this directive must be fingerprinted through the Livescan system.

2.638.12 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 responsible adults when juvenile charges are requested on CRIM reports. Officers may release juveniles at Police Headquarters or at juveniles' residences.
- C. Detaining officers who release juveniles without charges will ensure OSPG has been contacted in order to check for outstanding writs.
 - 1. Detaining officers of juveniles with outstanding writs will contact DJS personnel for instructions where the juveniles are to be taken.
 - 2. Detaining officers will request OSPG fax copies of writs to the agency.
- D. Persons accepting custody of charged juveniles must sign completed Recognizance Forms (RECOG.JUV) and receive xerographic copies.
 - 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.
 - 3. Originals of Recognizance Forms will be submitted to the Records Unit.
- E. Arresting officers will contact DJS for instructions and recommendations if parents, guardians, or other responsible parties refuse to sign Recognizance Forms.
- F. Recognizance Forms will not be completed in non-custodial situations.

2.640 DETENTION OF JUVENILES

- A. Juveniles will be taken to juvenile detention facilities or shelter care facilities, subject to the instructions of DJS personnel, unless they are released to parents, guardians, responsible adults, are in need of emergency medical treatment, or are contacted in non-custodial situations.
- B. Juveniles are candidates for detention when:

1. They have outstanding writs;
 2. They are charged with violent offenses or multiple auto thefts;
 3. They are runaways from out of state with an outstanding writ of attachment;
 4. They present by history a serious risk of absconding;
 5. Parents, guardians, or responsible adults cannot be contacted or they refuse to accept custody of juveniles.
- C. Copies of related agency reports will be delivered with juveniles to detention facilities. Reports must be sworn to consistent with **2.638.06**.
- D. Prior to 1530 hours on days when court is in session, officers will contact the DJS, and deliver juveniles for detention to the DJS at the courthouse in Upper Marlboro. Officers will ensure DJS personnel are contacted to confirm transport destinations. If any concerns arise regarding the child's mental or physical condition, the officer will take the child to a hospital first for medical clearance.
- E. After 1530 hours, on weekends, and on holidays, officers will contact DJS to request detention. Intake officers are to respond to locations where subject juveniles are being held, complete necessary DJS paperwork, and instruct officers where the juveniles are to be taken. If any concerns arise regarding the child's mental or physical condition, the officer will take the child to a hospital first for medical clearance.
- F. If DJS declines to authorize detention or shelter care, and if a parent refuses to take custody of the juvenile, it will be necessary to contact the Department of Social Services for assistance.

2.642 JUVENILE SCREENING REQUIREMENTS

- A. Arresting officers will screen juvenile felony cases consistent with **2.637**.
- B. Screening through OSA Juvenile Section is necessary when juveniles are accused in multiple misdemeanor incidents.
- C. Screening through OSA Juvenile Section is not necessary for single misdemeanor cases. However, copies of case related documents must be forwarded by Records Unit personnel to the Victim Witness Coordinator for the Juvenile Section of the OSA within 72 hours of arrests.

2.644 STATUS CHARGES & NON-OFFENSES

- A. Juveniles may be taken into custody for violations applying specifically to children. Examples of such status charges and non-offenses include, but are not limited to:
1. Child in need of supervision (CINS);
 2. Child in need of assistance (CINA);
 3. Runaway;
 4. Truancy;
 5. Curfew violation;
 6. Underage possession and/or consumption of tobacco products; and
 7. Underage alcohol offenses.
- B. Status offenders and non-offenders will be processed consistent with **2.638**.
- C. Officers may release juveniles to parents, guardians, or other responsible adults in cases involving status charges or non-offenses. Officers may release juveniles at Police Headquarters or at juveniles' residences.
- D. Arresting officers releasing juveniles will ensure OSPG has been contacted in order to check for outstanding writs.
1. Detaining officers of juveniles with outstanding writs will contact DJS personnel for instructions where the juveniles are to be taken.
 2. Detaining officers will request OSPG fax copies of writs to the agency.

- E. Reporting officers will ensure reports contain:
1. Enough information to establish probable cause for all offenses;
 2. Complete names, addresses, and telephone numbers of persons accepting custody of juveniles;
 3. Complete names, addresses, and telephone numbers of all witnesses;
 4. Listings of applicable charges and statute citations;
 5. Statements, endorsed with officers' signatures at the end of report narratives, that read: "I do affirm under the penalties of perjury and upon personal knowledge that the contents of the attached complaint are true."
- F. Recognizance Forms will not be completed in non-custodial situations.
- G. Detaining officers will contact DJS for instructions and recommendations if parents, guardians, or other responsible parties refuse to accept custody of juveniles for:
1. Child in need of supervision (CINS);
 2. Runaway;
 3. Truancy; and
 4. Curfew violation;
 5. Underage possession and/or consumption of tobacco products; and
 6. Underage alcohol offenses.
- H. Detaining officers will contact DSS for instructions and recommendations for Children in need of assistance (CINA).
- I. Accused and adjudicated Status offenders and non-offenders may not be placed in secure custody/detention in an adult jail or lock-up facility for any period of time.
- J. Accused or adjudicated delinquent offenders can be held securely for up to six hours prior to an initial court appearance, for up to six hours after an initial court appearance or for up to six hours for processing, identification, investigation, awaiting pick up by a parent or guardian, or transfer to a juvenile facility in an adult jail or lockup facility.

2.646 RESTITUTION IN JUVENILE CASES

- A. Officers will include applicable restitution information in agency crime reports.
- B. Restitution is handled by the DJS or the courts.
- C. Inquiries by victims into restitution processes will be referred to the DJS, or the Juvenile Division of the OSA.

2.648 SCHOOL NOTIFICATIONS FOR JUVENILE ARRESTS

- A. Consistent with ED 7-303, agency employees are responsible for ensuring public school superintendents, or their designees, are notified whenever children enrolled in Maryland school systems and school programs are arrested for:
1. Crimes of violence as defined in CR 14-101;
 2. Offenses enumerated in CJ 3-804(e)(4); or
 3. Violations of CR 4-101, CR 4-102, CR 4-103, or CR 4-202.
- B. Juveniles attending private schools and adults attending public schools are not covered by the requirements of ED 7-303.
- C. Agency officers arresting and subsequently charging juveniles with crimes coming under the requirements of ED 7-303 will:
1. Attempt to obtain from arrested individuals the names of any applicable Maryland public schools or public school programs they are attending;
 2. Attempt to verify school attendance information through parents or guardians; and
 3. Include school attendance information in report narratives.
- D. Every business day, Records Unit personnel are responsible for:
1. Reviewing RMS entries to determine if juveniles were arrested and charged with crimes coming under the requirements of

ED 7-303;

2. Obtaining school attendance information from related reports;
3. Sending FAX memorandums containing required information to appropriate school superintendent's offices; and
4. Retaining original FAX memorandums in related case record files.

2.660 TEMPORARY HOLDING FACILITY

- A. The agency's temporary holding facility is to be used, with exceptions noted herein, only to facilitate investigations or the questioning or testing of detainees.
 1. The temporary holding facility will be used to conduct the routine processing of detainees.
 2. Detainees may also be processed in a RPC.
- B. Detainees may be held in the facility up to six hours without personal supervision and control of agency personnel.
 1. The time when detainees are under continuous control and supervision by agency personnel does not count toward the six hour limit.
 2. There may be an aggregate total more than six hours for detainees who are held while going through administrative or investigative processes.
 3. The six hour limit cannot be circumvented by the mere re-introduction of constant supervision and control every two hours.
- C. Agency employees will ensure that non-agency employees follow applicable weapons, security, and facility directives.
- D. Employees observing incidents or situations that threaten the safety of the facility or any person therein, or discovering deficiencies during facility use, checks, or searches will:
 1. Notify supervisory personnel;
 2. Take corrective actions or make appropriate notifications as necessary;
 3. Complete appropriate reports; and
 4. Ensure CIS is sent.
- 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 a DJS facility, questioning/interviewing, or for identification purposes).

2.660.02 Management & Administration

- A. The temporary holding facility has:
 1. Safety, sanitation, and security systems and precautions in place and properly maintained;
 2. Procedures established and posted for gaining access to medical and health care services;
 3. Adequate lighting and air circulation systems; and
 4. Toilet facilities and drinking water available to detainees.
- B. On-duty patrol personnel are responsible for the day-to-day facility operations. These responsibilities include, but are not limited to, ensuring:
 1. Activities in the facility are monitored;
 2. Safety, security, and sanitation precautions are properly utilized;
 3. Medical and health care services are properly utilized; and
 4. Detainees are given access to toilet facilities, and drinking water.
- C. Administrative, maintenance, or operational problems within the facility will be forwarded, in writing or via e-mail, through the chain of command to the appropriate bureau commander.
- D. Agency personnel with responsibilities for detainees will be initially trained on facility operations and provided with retraining once every four years.
- E. A documented administrative review of the THF and THF procedures will be conducted by a Police Services Bureau administrator at least annually.

2.660.04 Inspections

- A. On duty Patrol Squad Shift Supervisors are responsible for ensuring that THF inspections are conducted and documented as soon as practical after coming on-duty at the beginning of each shift.
 1. Officers assigned for relatively short terms to the customer service desk, e.g, personal relief, meal breaks, etc., are required to perform THF inspections only if situations described in **B**. occur during their service desk assignments.
 2. Inspections will be conducted of:
 - a. Heat / smoke / fire detector, sprinkler, and fire extinguisher;
 - b. Sanitary conditions, notifying FM when necessary for cleaning;
 - c. Doors, windows, locks, and other mechanical conditions, notifying FM when necessary for maintenance;
 - d. Security conditions that include searching for weapons and contraband;
 - e. Emergency Panic Alarm (tested only on midnight shift);
 - f. First aid and PPE kits, replenishing supplies as necessary;
 - g. CCTV system;
 - h. Weapon lockers and keys; and
 - i. AED.
- B. On duty Patrol Squad Shift Supervisors are responsible for ensuring that police officers conduct THF security checks of the facility immediately:
 1. Before and after every time it is used to hold detainees, even if detainees are not placed in the cell;
 2. After authorized building tours by civilian personnel;
 3. After fingerprint service hours; and
 4. After work conducted by repair or maintenance personnel.
- C. Facility inspections will include all areas of the THF, including the processing area, holding cell, interview room where weapons, contraband, or other articles that may present potential security threats could be secreted.
 1. Locations to be closely examined include, but are not limited to:
 - a. In and around trash cans;
 - b. Under the holding cell bench;
 - c. In and around the toilet and sink;
 - d. In shelving and form storage areas; and
 - e. In the interview room.
 2. Articles that are to be removed by inspecting employees as potential security threats include, but are not limited to pens, pencils, other office supplies, and tools.
- D. Results of inspections, observed deficiencies, and any corrective actions will be documented on the THF inspection form.
- E. Supervisory or administrative ranked personnel are responsible for determining if uncorrectable deficiencies are of sufficient magnitude that health or safety conditions are unacceptably compromised in the THF and therefore ordering the facility closed until deficiencies are corrected.
 1. Uncorrectable problems and deficiencies, discovery of weapons or contraband, or facility closures will be reported via CIS.
 2. The appropriate bureau commander will be notified when the facility is closed or weapons or contraband are found.
- F. On-duty patrol supervisors and administrators are responsible for conducting spot inspections of the THF and ensuring that THF inspectional criteria are being upheld.

2.660.06 Fire Prevention & Emergency Plan

- A. The facility is equipped with automatic heat, smoke, and fire detection and suppression systems.
- B. Detainees are not permitted to possess any flammable materials,

excepting essential clothing, while in the facility.

- C. Detainees will be evacuated by officers via posted emergency evacuation routes to areas of safety in the event of fires or other environmental emergencies.
 - 1. Communications personnel will notify PGFD and Environmental Safety.
 - 2. Agency personnel will, as practical, attempt to extinguish fires using fire extinguishers and/or sprinkler system.
 - 3. Detainees needing first aid or transportation to medical facilities will be tended to consistent with **2.606.12**.
- D. The two evacuation routes from the facility are:
 - 1. Out the facility via the front door and into parking lot behind Police Headquarters; and
 - 2. Out the facility via the sally port or other exit doors and into parking lot behind from Police Headquarters.

2.660.08 Access by Non-Essential Personnel

- A. The facility is a limited access area consistent with **1.412.10**.
- B. Those permitted in the facility when detainees are present are:
 - 1. Detainees;
 - 2. Attorneys consistent with **2.660.30**;
 - 3. Visitors consistent with **2.660.34**; and
 - 4. Employees actively assisting with detainee activities.
- C. Only essential personnel will enter the facility during emergencies.
- D. Employees will not enter the detention cell when it is occupied unless they are:
 - 1. Accompanied by an officer; or
 - 2. Monitored by Communications via video and audio surveillance systems.
- E. When there are no detainees in the facility, it may only be accessed by:
 - 1. Persons conducting authorized inspections;
 - 2. Persons participating in authorized building tours;
 - 3. Persons utilizing agency fingerprinting services;
 - 4. Employees obtaining forms or supplies; or
 - 5. Janitorial, repair, or maintenance personnel.

2.660.10 Weapons in Temporary Holding Facility

- A. Detainees will not have access to weapons or equipment which could reasonably be utilized as weapons.
- B. When detainees are in the facility:
 - 1. Firearms will not be allowed in the facility;
 - 2. Other agency issued weapons may be carried in the facility only in immediate defense of self or others;
 - 3. Officers entering the facility will first secure their firearms in the firearms lockers outside the facility; and
 - 4. Evidentiary weapons will be secured in evidence lockers.

2.660.12 Key & Door Security

- A. The THF doors and cell doors will be kept closed and locked when not in use.
- B. Employees actively involved with detainee activities are responsible for ensuring the cell door is closed and locked in order to securely hold detainees therein.

2.660.14 CCTV Security System

Facility CCTV monitoring and recording will be consistent with **2.1033 CCTV Monitoring & Recording**. The system will not be turned off, tampered with, or otherwise compromised except as provided in **2.660.30**, **2.660.32**, and **2.602.10**.

2.660.16 Emergency Panic Alarm

Communications personnel will quickly evaluate situations and coordinate appropriate response when the alarm is sounded for other than

equipment tests.

2.660.18 Escapes

- A. Employees will exercise due care and diligence in order to prevent detainee escapes.
- B. Transporting and detention facility personnel will be notified of any escape risks when taking custody of detainees.
- C. Employees becoming aware of escapes from the facility will immediately notify the on-duty patrol squad commander who will:
 - 1. Immediately notify communications and provide:
 - a. Complete description of the detainee;
 - b. Direction of travel;
 - c. What the detainee was in custody for; and
 - d. If the detainee is a danger to self, officers, or the community;
 - 2. Be in command of the incident and make every practical attempt to apprehend the detainee by coordinating actions and responses of personnel; and
 - 3. Prepare reports on the incident.
- D. If escapes occur, Communications personnel will:
 - 1. Broadcast a lookout;
 - 2. Notify PGPD, OSPG, MSP; and
 - 3. Send a wanted/escape message via MILES.
- E. Recaptured detainees will be charged with escape in addition to initial charges leading to their arrest.
- F. Administrative investigations into escape circumstances will be conducted consistent with **2.900 Complaints and Discipline**.

2.660.20 Detainee Security

- A. Detainees will routinely be restrained at all times when in agency custody. However, detainees may be allowed out of restraints when they are:
 - 1. Being searched or processed;
 - 2. Using toilet facilities;
 - 3. Being administered breath tests for alcohol;
 - 4. In one of the locked detention cells; or
 - 5. Unrestrained consistent with parts **C** or **F** of this section.
- B. Detainees will not be left unattended in agency facilities unless they are in the cell or secured to the processing bench in the temporary holding facility.
- C. Detainees will not be routinely handcuffed to restraining rails in the detention cell.
 - 1. Officers may handcuff detainees to restraining rails in the detention cell when there are articulable reasons to do so based on detainee's escape potential or probability of causing harm to self or others.
 - 2. Detainees seated on the detention bench in the open area of the temporary holding facility will be routinely handcuffed to the bench restraining rail.
- D. Officers may utilize additional or enhanced restraints authorized by the agency on detainees only as necessary:
 - 1. For the protection of self or others;
 - 2. For mobility, medical, or other reasons that preclude other required restraint uses; or
 - 3. On detainees who are violent, self-destructive, suicidal, escape risks, or under the obvious influence of alcohol or other drugs.
- E. Authorized additional or enhanced restraints involve:
 - 1. Handcuffing both arms to the upper restraint bar;
 - 2. Utilizing leg irons;
 - 3. Utilizing leg irons with the chain passed under the lower restraint bar; or
 - 4. Utilizing flex-cuffs or other similar nonmetallic restraints.
- F. Detainees will be escorted by officers when outside the facility.
 - 1. Officers may exercise discretion in deciding whether to hand-

cuff or otherwise restrain detainees while escorting them outside the facility based on:

- a. Circumstances of arrests;
 - b. Nature of offenses; or
 - c. Conduct or physical condition of detainees.
2. Officers with any doubts relating to detainees' conduct will restrain them as necessary and appropriate when escorting them outside the temporary holding facility.
 3. Unrestrained detainees or detainees handcuffed to the front will not be permitted in areas occupied by armed officers.
- G. Facts and circumstances leading to increased, DECREASED, or enhanced use of restraints will be included in related incident reports.

2.660.22 Placement of Detainees

- A. The detention cells may be occupied by no more than two detainees per cell at a time.
- B. The cell will not be occupied by more than one age/sex demographic of detainee at a time.
 1. Sight and sound separation must be maintained at all times between male/female and adult/juvenile detainees.
 2. It is recommended that juveniles being charged as adults not be securely held with adult offenders (i.e. in a holding cell).
- C. Juvenile status offenders and juvenile non-offenders, such as children in need of supervision, cannot be placed in any locked room or handcuffed to stationary objects.
- D. Officers will secure transgender suspects/prisoners in holding cells alone.

2.660.26 Special Detainee Segregation & Notification

- A. Detainees who are violent, self-destructive, or suicidal will be placed in a detention cell by themselves.
- B. Employees will ensure detainees who are self-destructive or suicidal receive emergency psychiatric evaluations consistent with **2.422 Emergency Psychiatric Evaluations** or receive treatment in accordance with **2.608** prior to their appearance before District Court Commissioners.
- C. Officers relinquishing custody of detainees to other officials will notify those officials if detainees are believed to be drug addicts, self-destructive, or suicidal.

2.660.28 Supervision of Detainees

- A. Detainees in the facility are continuously monitored by audio and video equipment that is located in the Emergency Communications Center.
- B. Sworn police officers are responsible for ensuring personal, visual observations of unattended detainees are conducted at least every 30 minutes and recorded on Detainee Property & Screening Records in accordance with **2.622.16**.
- C. Sworn police officers may supervise detainees of the opposite sex so long as contact periods are monitored and recorded by the CCTV system.
 1. Searches will be made consistent with **2.602**.
 2. Supervising officers will respect the sexual privacy of detainees utilizing toilet facilities or attending to other personal hygiene needs.
- D. Civilian employees will not supervise detainees. A minimum of one sworn police officer must be in the main police station headquarters during the time that any prisoner is in the Temporary Holding Facility.

2.660.30 Attorney-Detainee Contacts

- A. Detainees will be allowed to meet with their attorneys in agency facilities consistent with constitutional, processing, and detainee

security requirements.

- B. Attorneys having direct contact with detainees will have their person and property searched prior to detainee contact.
- C. Attorneys and their detainee clients will be provided privacy inside the temporary holding facility in order to confer.
 1. The audio monitoring and recording functions will be disabled.
 2. The video monitoring and recording functions will remain active.
 3. Detainees will be searched following direct contacts with attorneys.
- D. Information relating to attorney-detainee contacts, including personal information of attorneys, times, and duration of contacts will be recorded in agency reports of the arrest.

2.660.32 Telephone Use

- A. Detainees will be afforded reasonable use of telephones. Phone use must not compromise ongoing investigations or unduly interfere with agency activities.
- B. Calls will be made only from the phone in the facility.
 1. The audio monitoring and recording functions in the facility will be disabled.
 2. The video monitoring and recording functions in the facility will remain active.
- C. Information relating to phone calls, including phone numbers and persons called will be recorded in agency reports of the arrest.

2.660.34 Visitation

- A. Detainees are precluded from receiving visitors in all but the most exigent, humanitarian circumstances at the discretion of arresting officers and with the approval or supervisory or administratively ranked officers.
- B. Visits must take place in the facility.
 1. Detainees will be handcuffed during visits.
 2. No physical contact will be allowed between detainees and visitors.
 3. Detainees will be searched before and after visits.
 4. Visitors and their property will be searched before visits.
- C. Information relating to visits, including the personal information of visitors, reasons for visits, and duration of visits, will be recorded in agency reports of the incident.

2.660.36 Mail and Packages

- A. The only items that may be accepted on behalf of detainees are those necessary for humanitarian reasons or to facilitate processing. Acceptable items include, but are not limited to:
 1. Cash or negotiable instruments for bail or bonding purposes;
 2. Essential medications, or clothing;
 3. Personal identification documents.
- B. Items received by the agency for detainees will be searched by supervisory or administrative personnel or arresting officers.
 1. Contraband and evidentiary items will be impounded and recorded on property receipts.
 2. Items accepted on behalf of detainees will be recorded on Detainee Property and Screening Reports and secured with detainees' other property.
 3. Items will be returned or distributed consistent with **2.622.16**.