



Arrest, Processing, and Transport

.01 Policy

It is the policy of the Department that the arrest, transportation, and processing of detainees will be made in a manner that maximizes the safety of arresting officers, persons arrested, and members of the public.

In some cases, the issuance of a citation is more appropriate than a physical arrest. When a citation is issued instead of a physical arrest, full-custody arrest processing will not be obtained.

This Order contains language from numerous statutory citations and are correct as of the effective date of this Order. They are subject to change through legislation and case law. Officers are responsible for following the correct law in case the provision cited in this Order has been superseded.

.02 Terms

Adult Arrest: Any arrestee age 18 years or older and any juvenile charged as an adult.

Arresting Officer: The officer responsible for completing the charging documents and other reports related to an arrest.

Body Cavity Search: A physical intrusion and probing into an individual's mouth, nasal passages, ears, anus, genital area, or other body part.

Custody Officer: The officer responsible for the security, custody and safety of a detainee or arrestee.

Desk Officer: Usually an officer from the Department of Corrections (DOC) assigned to a Regional Processing Center.

Detainee / Arrestee: A person temporarily held in custody for the purpose of processing.

Full-Custody Arrest: An arrest that involves an individual being taken into physical custody by a law enforcement officer for the formal placement of criminal charges.

Juvenile Delinquent Offender: Any juvenile charged with an offense for which an adult can be charged, but who is subject to the jurisdiction of the juvenile court.

Juvenile Non-offender: Any juvenile who has committed an offense for which adults cannot be charged, such as runaway or truancy.

Juvenile Status Offender or Non-Offender Processing Areas: Designated unlocked areas outside secured detention areas where juvenile status offenders or non-offenders may be temporarily housed.

Other Authority: Governmental entities and agents thereof, entitled by law, court order or detention authority, to take or relinquish custody of any arrestee or detainee; these include DOC employees and the U.S. Marshal's Service.

Outside Agency: Special police officers (SPOs), law enforcement agencies having jurisdiction within the County.

Positional Restraint Asphyxia: Death occurring as a result of body positioning that interferes with an individual's ability to breathe.

Processing Areas: Designated areas used for fingerprinting, photographing, testing, interviews, and completion of arrest documents.

Processing Officer: The DOC officer assigned to the processing area at regional processing facilities.

Regional Processing Facility: Processing area staffed by DOC personnel for the purpose of completing arrest paperwork and arrestee presentment before a District Court Commissioner.

Search Incident to Arrest: A thorough examination of an individual's clothing, possessions, and immediate surroundings to find weapons or contraband.

Secure Areas: Areas designed to physically restrict the movement and activities of persons in custody.

Strip Search: The removal of any clothing permitting a visual inspection of the genitals, buttocks, anus, breasts, or innermost undergarments of an arrestee.

Squat Search: A search requiring an arrested individual to crouch or squat while the undergarments and other clothing are removed to

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expose the genital or anal area; permits contraband or other material concealed in the genital or anal area to become visible or dislodged.

Temporary Detention Cell or Area: A cell or area within a Station that is not designated as a regional processing facility, which is used for interviews, questioning, temporary detention and where all weapons are prohibited.

.03 Governing Legislation and Reference

Governing Legislation:

Maryland Criminal Procedure Article, Section 4-101.

Maryland Criminal Law Article, Sections 10-113 through 10-116.

Maryland Education Article, Section 26-103.

Maryland Family Law Article, Title 4, Subtitle 5.

Maryland Rules, Sections 4-102 and 4-202.

Title 18 USC 922 (G)(8), Gun Control Act of 1968, Amended.

Title 49, Code of Federal Regulations (CFR), Section 1544.

Payton v. New York, 445 U.S. 573 (1980).

Forms:

Application for Statement of Charges (Form DC/CR 1).

Application for Statement of Charges, Continued (Form DC/CR 1A).

Statement of Charges (Form DC/CR 2).

Statement of Charges, Continued (Form DC/CR 2A).

Statement of Probable Cause (Form DC/CR 4).

Statement of Probable Cause, Continued (Form DC/CR 4A).

Maryland Uniform Criminal Citation (Form DC/CR 45).

Maryland Uniform Municipal Infraction Civil Citation (Form DC 28).

Request for Witness Summons (Form DC/CR 92).

Request for Shielding of Information (Form CC-DC/CR 1S).

Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses (Form DC 31).

Prince George's County Fire/EMS Detainee Medical Release Form.

Processing Facility Inspection Log (Form 610).

Detainee Processing Log (Form 611).

Prisoner Property Form (Form 612).

Case Report (Records Management System).

Arrest Record (Records Management System).

Reference:

General Order 203, Criminal Citations.

General Order 306, Juvenile Procedures.

General Order 307, Regional Processing.

.04 Procedure

A. Maryland Uniform Criminal Civil Citations

The Maryland Uniform Criminal Citation may be used for adult criminal charges carrying penalties of less than three months or \$500, as well as misdemeanor thefts that may carry higher penalties. Use of the citation is an alternative to a physical arrest.

The Maryland Uniform Municipal Infraction Civil Citation may be used for adult civil violations involving alcoholic beverage offenses for individuals between 18 and 20 years of age.

Citation Issuance

Each citation shall reflect only one charge. A citation may be issued to a defendant if the officer is satisfied with the defendant's evidence of identity and reasonably believes the defendant will comply with the citation.

Maryland Criminal Citations shall not be issued:

- For a criminal offense where the punishment exceeds 90 days in jail or a \$500 fine (except misdemeanor theft);
- For violations of the Maryland Transportation Article;
- For parking violations;
- When an officer is not satisfied that the suspect will appear in court as required; and,
- When the suspect refuses to sign the citation or When the suspect cannot satisfactorily identify themselves.

Alcohol Violations

(Maryland Code, Criminal Law Article, §§10-113 through 10-116)

An individual may not refuse to furnish proof of identification and age upon request of an officer issuing a citation for:

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- False documentation;
- Misrepresentation of age;
- Obtaining for underage consumption;
- Possession of alcoholic beverages on school property; or,
- Underage possession.

Additional Criminal Charges

When an officer conducting a pat down or search of an individual being issued a Criminal or Civil Citation finds contraband, and intends to charge the individual for this additional violation, the officer must make a full custody arrest. The officer must be able to articulate probable cause for the search. In these cases, standard arrest procedures and the use of associated documents will be followed.

- B. Civil Violations for Adults & Juveniles
(Maryland Criminal Law Article §§10-113 through 10-118)
(Education Article §26-103)

Adult Civil Violation

The Adult Civil Violation applies to persons aged 18 through 20 years, when used for alcoholic beverage related offenses.

Juvenile Civil Violation

(Maryland Criminal Law Articles §§10-113 through 10-116)

The Juvenile Civil Violation shall be issued to those juveniles violating alcoholic beverage and tobacco offenses.

Issuance of Municipal Infraction/Civil Citation

Passengers in a motor vehicle possessing an open container of an alcoholic beverage are charged on the same citation for violating the provisions of Section 10-125, Open Container in Passenger Area.

- C. Full-Custody Arrests

Verifying Existence of Warrant

The Supreme Court has recognized the Police Team concept. If any law enforcement officer holds a warrant, it is deemed held by all.

Civil burdens for arrests in these circumstances lie with the agency generating the warrant. Before officers make an arrest on the strength of a warrant, they must make every reasonable effort, through Communications or otherwise, to verify that it is still outstanding.

Arrests by Off-Duty Officers

When off-duty officers in the Vehicle Deployment Program make an arrest, they will ordinarily transport the arrestee themselves unless:

- Their assigned cruiser is not available;
- They have passengers in the cruiser;
- An on-duty officer handles the arrest processing.

Arrests by Plain-Clothes Officers

Plainclothes officers shall request the assistance of uniformed officers when serving any arrest warrant, unless the situation dictates otherwise. To minimize the potential for injury, plainclothes officers shall, whenever practical, schedule the time and location of the arrest.

Uniformed officers in marked vehicles shall be assigned to assist plainclothes tactical operations. Only uniformed officers and marked vehicles shall be used to make arrests or effect investigative stops during these operations. Exceptions shall be approved by supervisors and will only be allowed where no other alternative exists.

Warrantless Arrest in Defendant's Home

The U.S. Supreme Court decision of Payton v. New York requires officers having probable cause to make an arrest to obtain a warrant (where time permits) as opposed to merely responding to the suspect's home and making an arrest based on probable cause. The decision prohibits law enforcement officers from entering a defendant's home to make a routine arrest without a warrant.

Arrests of Military Personnel

When an officer arrests a member of the military, or a reservist on active military duty, the officer shall contact the military police of the arrestee's service branch in the Washington metropolitan area. The following information regarding the service member shall be provided:

- Name;
- Social security number; and,
- Assigned unit.

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Arrests of Military Deserters

Desertion from active military duty is a violation of the Uniform Code of Military Justice. It is not a crime for which civil authorities' are authorized to make an arrest.

Officers will refrain from arresting persons for desertion unless:

- The individual has a criminal warrant on file with NCIC charging them with desertion or other written documentation authorizing the individual's arrest; or,
- An individual is in custody for other violations and it is discovered that they are a deserter. Military authorities will be notified.

Officers are prohibited from accepting a bounty or other gratuity from the Federal Government for arresting a deserter.

Undocumented Aliens

Officers shall not initiate arrests merely to determine a suspected alien's status. When an individual booked on a felony or serious criminal charge is suspected of being an illegal alien, the processing officer shall:

- Contact Immigration and Customs Enforcement (ICE) to determine the individual's immigration status;
- Include information from ICE in the narrative of the Arrest Report; and,
- If illegal immigration status is confirmed, forward copies of all paperwork to the Office of Intelligence and Protective Services.

Arrest of Mail Carriers

Any person arrested while actively engaged in the delivery of the United States mail, or while operating a vehicle transporting United States mail, shall be permitted to turn the mail and/or vehicle over to a representative of the Postal Service. All other arrest procedures shall apply.

Arrest of Legislators

There is no provision in Maryland that exempts any state or local official, either appointed or elected, from arrest under any federal, state or local law. The issuance of a traffic citation, a warning or a physical arrest in those cases where physical arrest is authorized, is permitted.

The Constitution of the United States, Article 1, Section 6, provides:

The United States Senators and Representatives shall in all cases, except for Treason, Felony and Breach of the Peace, be privilege from arrest during their attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other place.

D. Warrantless Felony Arrests by Persons Other Than Officers or Special Police Officers (SPOs).

When an officer investigates an incident where a suspected felon is detained, the officer will examine the probable cause. If it is determined that the detention is lawful, they will obtain a signed statement from the complainant, using the Suspect Statement Form.

They will then transport the arrestee to a processing facility and complete the arrest, summoning all witnesses.

E. Misdemeanor Arrests (Criminal Procedure Article, Title 2, Subtitle 2)

Before making a warrantless arrest for a misdemeanor not committed in his or her presence, the officer must have probable cause to believe that the suspect has committed one of offenses listed below, and unless the suspect is immediately arrested may :

- Not be apprehended;
- Cause physical injury or property damage to another; or,
- Tamper with, dispose of or damage evidence.

Misdemeanors offenses for which an officer is authorized to make a probable cause arrest without a warrant include the following:

- Manslaughter by vehicle or vessel;
- Malicious Burning;
- Malicious Mischief;
- Theft under \$500 or an attempt;
- Giving or causing to be given a false alarm for a fire Indecent exposure;
- Crimes related to controlled dangerous substances;

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- Wearing, carrying, or transporting a handgun Carrying or wearing a concealed weapon;
- Prostitution and related crimes;
- Stalking; and,
- Domestic abuse (If the report is made within 48 hours of the incident).

When an officer cannot establish probable cause for an arrest, or the violation is a misdemeanor not listed above, the officer shall:

- Provide the suspect's identity to the accuser or witness and advise them to contact a District Court Commissioner to file an Application for a Statement of Charges.
- If identity cannot be determined, provide the accuser with available information and advise them to attempt to obtain a Statement of Charges.

Misdemeanor Arrests by Persons Other than Police Officers or SPOs

The law prohibits the issuance of charging documents to citizens. All warrantless arrests must be processed via a charging document prepared by a police officer or SPO.

When an officer is assigned to transport a detainee for persons other than officers or SPOs, the officer shall examine the probable cause for the arrest and initiate wanted checks on the detainee. The officer shall transport the detainee on receipt of a warrant hit and confirmation.

The officer will not transport the detainee unless the provisions for warrantless arrests listed in the section Misdemeanor Arrests have been met.

When a detainee cannot identify himself or herself to the officer's satisfaction or is not a Maryland resident, the detainee may be arrested, based on probable cause.

If the officer determines that an arrest is justified, the officer will:

- Obtain a signed statement from the complainant using the Statement Form; and,
- Transport the arrestee to a processing facility and complete the arrest.

If the officer decides not to arrest the suspect the officer shall:

- Obtain supervisory concurrence;
- Give the complainant the suspect's identity and Case Number;
- Advise the complainant to contact a District Court Commissioner to apply for a statement of charges; and,
- Complete a Case Report listing the suspect, circumstances of the incident, and the date and time of the wanted check.

If a full-custody arrest is not warranted and the suspect is a juvenile, the transporting officer shall obtain supervisory concurrence.

F. Warrantless Arrest for Domestic Violence

The Maryland Criminal Procedure Article provides warrantless arrest authority when an officer has probable cause to believe:

- The victim is the perpetrator's spouse or cohabitant;
- There is evidence of physical injury; and,
- Unless the perpetrator is immediately arrested, may:
 - Not be apprehended;
 - Cause further injury to the victim or others;
 - Cause further damage to the victim's property; or,
 - Tamper with, dispose of, or destroy evidence.

These conditions justify a warrantless arrest as long as a police report was made within 48 hours of the alleged incident. In such cases, a warrantless arrest should be made. Officers will use professional judgement in deciding whether to arrest.

When the above requirements have been met, the preferred response is to make an arrest.

Upon making a warrantless arrest, victims shall be advised to contact the Office of the State's Attorney, Domestic Violence Unit, to obtain information regarding the criminal justice system and identify available County support services.

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Amendment to Title 18, United States Code, Gun Control Act of 1968

This amendment makes it unlawful for any individual convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition.

It also makes it unlawful for any individual to sell or otherwise dispose of a firearm or ammunition to any one the individual knows or believes has been convicted of such a misdemeanor. This act also applies to all law enforcement officers.

This is true whether or not the state statute or local ordinance specifically defines the offense as a domestic violence misdemeanor.

G. Arrests for Violation of Protective Orders

The following violations of protective orders are misdemeanors under Title 4, Subtitle 5, of the Family Law Article:

- Abusing or threatening the petitioner;
- Contacting or harassing the petitioner; and,
- Refusing to vacate or stay away from the petitioner's or family member's residence, school, place of employment, temporary residence, and all surrounding areas.

Officers shall arrest, with or without a warrant, an individual whom the officer has probable cause to believe is in violation of a protective order, even if the violation occurs with the petitioner's consent. A full custody arrest shall be made for such violations. Violations of other conditions of a protective order are not misdemeanors and therefore are not enforceable by an officer. The officer should refer the petitioner to the court for relief.

H. Handcuffing Arrestees

All persons taken into custody shall be handcuffed, except as noted. The arrestee shall be secured with his or her hands behind his or her back or in front with the handcuff chain passed through the belt. Handcuffs shall always be double-locked unless circumstances require immediate transport of the arrestee.

The handcuffing of disabled or injured persons is discretionary, based on mobility of the individual and apparent escape potential.

Whenever officers elect not to employ a restraining device, they may enlist the assistance of other officers for added safety. Uncertainty surrounding particular situations

shall be resolved by the use of a restraining device.

Handcuffing Injured or Ill Persons

When transporting sick or injured arrestees, the decision to handcuff shall be based on the type of injury, demeanor of arrestee, and safety considerations. When restraining devices could aggravate an injury, officers may forego the use of handcuffs.

When transporting a suspected mentally ill individual, an appropriate restraining device shall be used. Violent arrestees may be handled and secured in the safest and most expeditious manner possible.

Certain Types of Restraint Prohibited

To minimize the chances of positional restraint asphyxia, arrestees will not be "hog-tied" or restrained in a manner that increases the possibility of positional restraint asphyxia. The chances of positional restraint asphyxia increase when:

- The restrained individual's normal breathing is affected, such as when the subject is restrained face up or face down with pressure on the back or chest;
- The restrained individual violently struggles against officers' restraint attempts, thus tiring the respiratory muscles;
- The restrained individual is intoxicated by CDS or alcohol; or,
- Chemical agents such as OC Spray are deployed and affect normal breathing.

Handcuffing Without Full-Custody Arrest

The use of handcuffs is generally restricted to instances where a crime has occurred, or the officer has probable cause to believe a crime has occurred, and a full-custody arrest takes place.

When an officer has articulable suspicion that an individual is involved in criminal activity, the officer may use handcuffs to briefly detain the individual for questioning without making a full-custody arrest.

Handcuffing alone does not constitute a use of force or an arrest. Instead, the following factors determine arrest status:

- Length of the detention;
- Investigative activities during the detention; and,

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- Whether the suspect is removed to a detention or interrogation area.

When investigative measures fail to establish probable cause for an arrest, the officer shall immediately remove the restraints. The officer shall provide persons who are handcuffed, but not arrested, an explanation for the handcuffing.

Handcuff and release incidents shall be documented on an Case Report that details the circumstances of the incident.

I. Arrestee Transport

Searches of Transport Vehicle

For officer and arrestee safety and security, the transporting officer shall inspect the seating areas of the transport vehicle. This shall be done at the beginning of each tour of duty, and before and after the transport of an arrestee or civilian passenger. If off duty, the vehicle shall be inspected before and after the transport.

Non-invasive Searches & Transport of Arrestee by Arresting Officer

Absent a threat of imminent serious bodily injury to the officer or others, the custody officer shall handcuff and search an arrestee before transport.

If the search reveals any weapons, evidence, contraband, or items that could injure an individual or aid in their escape, the officer shall secure them. If the items are transported in the same vehicle as the arrestee, they shall be secured in the trunk.

Exigent circumstances, such as an unruly crowd, may interrupt the search. If an individual must be transported from an arrest location without being searched, the transporting officer shall transport the arrestee to the nearest safe location where they can conduct a search.

The officer shall then search the arrestee and the immediate area of the transport vehicle where the arrestee is seated. The arrestee shall then be immediately transported to a processing facility.

Upon arrival at the processing facility, each officer who accepts custody of an arrestee will search that arrestee again. For these types of searches, arrestees are generally searched by officers of the same sex.

If possible, an officer will have a witness present when searching an arrestee of the opposite sex.

J. Searches and Transports by Officers

Searches

Transporting officers shall search arrestees coming into their custody, regardless of whether they had been previously searched. If possible, transporting officers will be the same sex as the arrestees. For female arrests, male officers will determine if a female officer is available to respond to the scene to make the transport. The reverse is true for male arrests by female officers.

Officers shall not delay transport solely to provide this arrangement. Supervisors shall balance the propriety of such arrangements against staffing considerations and workload at time of transport.

Strip/Squat Searches

Strip/squat searches require the approval of a supervisor the rank of Lieutenant or above.

Strip/squat searches will be conducted professionally and efficiently. They will be conducted in a private area within a Departmental facility that cannot be observed by persons not involved in the search.

Strip/squat searches will be conducted and witnessed by officers of the same sex as the arrestee. The minimum number of officers necessary to safely accomplish the search will conduct these searches. Civilian personnel will not be used to conduct, assist, or witness a strip/squat search.

A strip/squat search may be approved when the arrestee is the subject of a full custody arrest and the officer has reasonable suspicion, based on articulable facts that the arrestee is concealing:

- A weapon;
- Implements to facilitate an escape; or,
- Contraband, evidence, or fruits of a crime.

Strip/squat searches shall not be conducted on persons contacted during routine field interviews or stop and frisk situations.

If potential evidence is observed protruding from a body orifice, the search will immediately cease and the arrestee shall be brought to a hospital for removal of the evidence. Such

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removal constitutes a body cavity search and the procedures governing Body Cavity Searches shall be followed.

If exigent circumstances exist and the safety of officers or others is threatened, a strip/squat search may be conducted before transport. Before this search, officers must get approval from a commissioned officer. If a commissioned officer is not available the Chief of Police shall be contacted for approval. Commissioned officers shall only approve exceptions when failure to conduct the strip/squat search before transport would place officers, citizens, or suspects in imminent danger.

The approving Commander will ensure that a full custody arrest was made, prior to granting the exception.

Whenever a strip/squat search is conducted, the custody officer shall complete a Case Report. The officer shall note the following information in the narrative section:

- The fact that the strip/squat search was conducted;
- The reason or basis for the search;
- A complete inventory of the items found;
- The name of the officer conducting the search;
- The names of the approving commander and the witnessing officer; and,
- The Departmental facility where it was conducted.

Body Cavity Searches

Officers will not conduct body cavity searches. When potential evidence is protruding from a body orifice during a strip/squat search, the search will immediately cease and the arrestee shall be transported to the closest designated hospital in Prince George's County.

Body cavity searches shall only be conducted by trained medical personnel. The arrestee must be the subject of a full custody arrest and the officer must have reasonable suspicion, based on articulable facts, that the arrestee is concealing any of the following within the arrestee's body:

- A weapon;
- Implements to facilitate an escape; or,
- Contraband, evidence or fruits of a crime.

Body cavity searches may be conducted incident to a lawful arrest or pursuant to a search warrant. Body cavity searches may be conducted without a search warrant only when the intrusion is minimal. An Assistant State's Attorney (ASA) shall be consulted, if time permits, before a body cavity search is made incident to an arrest.

Searches more than minimally intrusive or those involving a high level of privacy require search warrants. Courts have ruled the reasonableness of any body cavity search will be decided by weighing the individual's privacy interests against the State's interest in conducting the search.

Arrestees transported in cruisers shall be secured with the vehicle's safety belts and they shall be segregated from public contact during transport.

Arrestees shall be removed from the arrest scene without unnecessary delay and transported directly to the appropriate facility (i.e., police, processing, or hospital).

Partially or fully disrobed arrestees shall be removed from the public's view and covered before transport. Disrobed arrestees will not be placed in a transport vehicle with arrestees of the opposite sex.

Officers shall not transport juveniles with adults, or males with females unless no other transport vehicle is available. Officers may transport arrestees in this manner when the arrests are a part of the same incident.

Officers will transport juvenile status offenders and non--offenders separately from juvenile delinquent offenders and adult arrestees.

Transports

The primary transport vehicle for use during normal operations is the cruiser. One officer may transport one arrestee, who will occupy the right front seat. For vehicles equipped with transport partitions, arrestees will occupy the right rear seat. With two officers aboard, the passenger officer shall sit behind the driver and the arrestee will occupy the right rear seat. If transporting two arrestees, one arrestee will be placed in the right rear seat; a second arrestee shall occupy the right front seat. Arrestees shall be restrained by seatbelts, windows closed, and doors locked.

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Informing Communications of Transport

When an officer begins an arrestee transport, they shall transmit their mileage and destination to the dispatcher. Upon arrival at the destination, the officer shall transmit "ARRIVAL," followed by the odometer reading. The dispatcher will acknowledge the officer with a time check. Officers will advise the dispatcher whenever a transport is interrupted and again when it is resumed, giving destination and mileage each time.

Security During Transport

Officers are responsible for the security and safety of arrestees in their custody. As such, they shall maintain visual contact with arrestees during transport. Officers shall not routinely divert or delay the transport of an arrestee.

Officers may take emergency police action when arrestees are aboard. Such circumstances include those where the safety of police officers or citizens is jeopardized. When emergency police action is taken, the transporting officer must ensure arrestee safety and minimize escape opportunity.

If an officer is involved in a transport outside Bladensburg, and the duration of such a transport warrants a meal stop, the officer shall select the meal site at random and shall not leave the arrestee unattended.

Essential Medications for Arrestee

Essential medications are those that prevent life-threatening conditions and are required to maintain an arrestee's functional stability. Officers shall comply with an arrestee's request to transport essential medications.

Transporting Sick or Injured Arrestees by Officers

Arrestees shall be transported to a hospital without delay and prior to being taken to a processing facility for processing when the arrestee:

- Exhibits erratic behavior;
- Has an alleged or obvious injury; or,
- Has ingested any non-food or non-prescribed substance immediately before arrest.

Officers shall transport or shall ensure transportation of arrestees to the closest Prince George's County hospital to avoid custody

issues. These hospitals include:

- Doctor's Community Hospital;
- Fort Washington Hospital;
- Greater Laurel-Beltsville Regional Hospital;
- Prince George's Hospital Center; and,
- Southern Maryland Hospital Center.

When an arrestee has been evaluated on the scene of an incident by an Emergency Medical Technician (EMT) or Paramedic, and it is determined that no other medical treatment is required, they may be transported directly to the Department of Corrections, Upper Marlboro. The arrestee must be accompanied by a Detainee Medical Release Form completed by the attending EMT or paramedic.

The Detainee Medical Release Form shall be given to the Regional Processing Officer upon arrival at the facility.

Transport of Arrestee by Ambulance

When arrestees are transported to a hospital by ambulance, an officer shall either follow the ambulance or accompany the arrestee in the ambulance. A decision to accompany arrestees in the ambulance may be based on the following considerations:

- Arrestee's temperament;
- Whether the arrestee is ambulatory;
- Arrestee's escape risk; or,
- Desire of ambulance personnel.

Arresting officers may request that arrestees be transported to a specific hospital, but Fire/EMS personnel have the final authority to determine the hospital.

Security Considerations at Hospitals

At any hospital the custody officer may seek the assistance of the facility's security personnel. For safety and security, they may secure firearms and weapons, and will comply with security procedures unique to the facility. When conflicts exist between such procedures and Departmental regulations, a police supervisor should be consulted.

When in a hospital outside the County or on a military reservation, the officer will contact security personnel to ensure that lawful custody is maintained.

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In all cases, the custody officer in a hospital is responsible for security of the arrestee until formally transferred to another authority. The officer shall, at all times, remain with the arrestee, ensuring the arrestee's security until the transfer of custody to another officer or security personnel.

Hospital Records

Whenever an arrestee is taken to a hospital for treatment, the transporting officer will:

- Provide the admitting authority their name, ID number, agency name, case number;
- Request that the case number be placed on their forms;
- Provide the arrestee description and address information; and,
- Provide notification that responsibility for payment of incurred expenses lies with the arrestee, not the Department.

When the hospital's records are prepared for the arrestee, the officer shall request the patient instruction copy. This paper will accompany the arrestee when transferred to another authority or given to them when released from custody.

Arrestees Requiring Admission

When an arrestee requires immediate surgery, the custody officer will accompany them to the surgical suite and remain there until evidence has been removed and placed in the officer's custody.

When an arrestee is admitted to a hospital, the custody officer will notify his or her supervisor. Security of the arrestee shall be maintained by the custody officer or by officers from Bladensburg involved in the arrest. Individuals arrested for violent or serious crimes will not be released from custody or left unattended at a hospital before a District Court Commissioner conducts an initial appearance hearing. When an officer requires the services of a District Court Commissioner away from the commissioner's duty assignment, they shall comply with procedures of the District Court Administrative Judge.

When commitments are issued for arrestees at a hospital, the custody officer will notify the Prince George's County Department of Corrections (DOC) to arrange for transfer of custody.

Report Required

Whenever an arrestee is taken to a hospital or is administered any pharmaceutical, the custody officer shall complete a case report. The narrative section will contain:

- A summary of how the arrestee's injuries were sustained;
- Type of medical treatment given; and,
- Disposition of the arrestee.

Photographing Injured Arrestee

When an arrestee is injured, or if an arrestee alleges an injury by police, the officer shall photograph the arrestee. Photographs should be taken before and after the arrestee's injuries have been cleaned.

K. Transporting Arrestees By Aircraft (49 Code of Federal Regulations 1544)

Airline Authority Over Weapons & Arrestees

Airline officials have final authority regarding the transportation of weapons and arrestees aboard commercial aircraft. Officers will comply with airline requests or make alternative arrangements.

Notification Letter

Officers intending to transport arrestees via commercial aircraft will prepare a letter for the signature of the Chief of Police. The letter will include the following:

- Airline and flight number;
- Name, rank and ID number of transporting officers;
- Request to transport an arrestee;
- Request for officers to be armed while traveling; and,
- Verification phone number that is available 24 hours a day.

If the airline cannot verify the officer's employment and authorization to travel while armed, then the officer will not be allowed on the aircraft or in any secure areas of the airport.

Identification & Authorization Requirements

The Federal Aviation Administration (FAA) requires officers traveling on official business to have their badge and photo identification in their possession at all times.

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Additionally, the original authorization letter, signed by the Chief of Police, will be required at various screening points and ticket counters at the airport.

Because the letter bearing the Chiefs original signature is needed throughout the officer's travels, officers will show, but not relinquish, the original letter to ticket agents, airport security, baggage handlers, etc.

Officers should make several photocopies of the original letter so that the copies can be given to persons after they view the original.

Preparation for Flight

Transporting officers will do the following when making a flight with an arrestee:

- Search the arrestee thoroughly before boarding the aircraft;
- Contact airline security officials at least one hour before departure;
- Introduce themselves to flight attendants;
- Deplane after passengers; and
- Not carry OC spray aboard aircraft.

Arrestee Security Aboard Aircraft

Between the time an officer and arrestee board the aircraft and the time they deplane, arrestees will be:

- Seated in the rear of the aircraft, away from the emergency exit or lounge area, with the officers seated between the arrestee and aisle;
- Restrained at the officer's discretion or in accordance with respective airline policy; and
- Physically escorted at all times Officers or arrestees will not consume alcoholic beverages.

Transporting Dangerous Arrestee

When transporting a dangerous arrestee, at least two officers will be required. No more than one dangerous arrestee will be transported on any single flight.

Transporting officers will determine if an arrestee is dangerous by considering their demeanor, past actions and propensity for violence.

Trouble Aboard Aircraft During Flight

In the event of trouble aboard the aircraft during the transport, officers will take no action, except:

- When irreversible catastrophe is imminent; or,
- When the officer's assistance is requested by the captain of the aircraft or a member of its crew.

L. Arrestee Escapes

Officer's Responsibilities

In the event an arrestee escapes while being transported, the transporting officer shall immediately broadcast a comprehensive radio lookout with the following information:

- Exact location of escape and last known direction of travel;
- Escapee's name and full physical and clothing description;
- Purported dangerousness of the arrestee;
- Nature of the offense for which the arrestee was being transported; and,
- Possible destination information.

The officer will determine if air support is warranted and will assist in the search effort.

Supervisor's Responsibilities

The responding supervisor shall:

- Notify the Operations Commander;
- Define the scope of, and coordinate any search effort;
- Ensure the custody officer's responsibilities have been carried out;
- Notify the custody officer's supervisor and forward copies of all reports, to the Chief of Police, via the chain of command; and,
- Notify Communications at termination of search or of an apprehension.

The scope of any search will be determined by examining the danger to the community, nature of the charge, and likelihood that the arrestee may be located later. The supervisor may decide against a comprehensive search in cases of arrestees charged with minor offenses. The decision shall be documented on a case report, which shall be completed by the supervisor.

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For escapes that occur outside the County a supervisor shall respond to the scene if feasible. Regardless of whether a response is made, the supervisor will ensure that:

- All possible cooperation is provided to the other agency;
- The custody officer's responsibilities have been carried out;
- The custody officer's supervisor is notified and that all reports are forwarded, via the chain of command; and,
- Additional information is provided to the other agency as required.

The transporting officer's supervisor will conduct an administrative investigation into the circumstances of the escape.

Required Reports

Among any other reports that may be necessary or required, the transporting officer shall complete and submit a Case Report prior to the end of the watch. If the arrestee is apprehended as a result of follow-up action, a Supplement Report will be prepared.

M. Arrestee Processing Facilities

Officers taking an arrestee to a Prince George's County District Station processing area, DOC-operated regional processing facility, or juvenile processing center shall comply with the operating procedures for that facility. Only those rooms or areas designated specifically for processing detainees will be used.

Prior to entering any processing area or facility, officers shall ensure that their weapons are secured in the designated storage facilities.

When a temporary detention cell or interview room is used at a Bladensburg facility, the period of time that an arrestee shall be held shall not exceed six hours. An officer with custody of an arrestee will not leave the facility until processing is complete and the arrestee removed from confinement.

In all processing areas, males will be separated from females, juveniles from adults (unless the juvenile is being charged as an adult). Juveniles not being charged as adults will be detained in an area separated from adult detention by sight and sound. Juveniles to be charged as adults will be transported to one of the Regional Processing Centers.

N. Maintenance of Processing Areas and Temporary Detention Facilities

The Operations Commander is responsible for the temporary detention and processing areas, to ensure they are:

- Clean, orderly, and free of obvious fire hazards;
- Equipped with current, functional fire extinguishers in easily accessible locations; and,
- Equipped with functional fire/smoke detection apparatus.

O. Inspection of Facilities

For officer and detainee safety, any room, cell, or area occupied by a detainee will be inspected prior to and after the use by the custody officer.

Supervisors will ensure that the inspections listed below are documented on the Processing Facility Inspection Log and maintained for three years:

- Daily safety and security inspections;
- Testing of fire alarms and detectors as required by the County Fire Code;
- Weekly sanitation inspection of the processing areas and cells;
- Weekly security inspections of the processing area and cells, including a search for weapons and contraband; and,
- Weekly inspection of fire extinguishers.

Any fire extinguisher or alarm found to be inoperable shall be reported immediately by the person finding the deficiency to the Lieutenant.

P. Fingerprinting and Photographing

All full-custody adult criminal arrestees are to be fingerprinted and photographed; and,

Adults arrested for traffic charges are fingerprinted at the arresting officer's discretion. Fingerprints are submitted without an ID number on the County Fingerprint Card to RAFIS.

Mug cameras may not be used to photograph adults arrested for traffic offenses. Digital photos may be taken and retained by the arresting officer.

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Q. Regional Processing Facility

Officers shall transport prisoners directly to Central Processing.

On arrival at a regional processing facility, arresting or transporting officers are responsible for supervision and accountability of their arrestee until custody is relinquished to DOC personnel. After taking custody of the arrestee, DOC personnel will obtain fingerprints and photographs and check the wanted status of arrestees.

Arresting officers shall complete the charging documents. Upon completion of the charging documents, DOC personnel will present the arrestee to a District court Commissioner.

For accountability purposes, the name of the DOC officer accepting custody will be obtained by the arresting or transporting officer and reflected in the Case Report and Detainee Processing Log sheet.

Officers may utilize station processing area for the following reasons:

- Traffic arrest;
- Required interviews; or,
- Major incident or unusual occurrence.

Security and Control

All arrestees will be searched before entering a station processing area or DOC operated processing facility.

R. Temporary Detention/Processing Facilities in the Station.

For officer safety and to minimize escape opportunities, officers utilizing temporary detention areas, processing rooms, or cells are responsible for the supervision and accountability of their detainee. Prior to entering the facility, the arresting or transporting officer shall ensure that the detainee has been searched. In addition, arresting or transporting officers shall ensure that all doors leading to the outside of the processing area are secure to prevent unauthorized persons from entering or exiting. Anyone discovering a situation that could potentially threaten the security of the facility shall immediately report the situation to his or her supervisor. All arrestees will be searched before entering a DOC operated processing facility.

In addition to any safety precautions, the arresting officer shall ensure that the dispatcher is notified that he or she is in the processing area and that they will, at a minimum be visually monitored by closed-circuit television (CCTV).

In order to summon assistance, officers will possess a police radio. Officers calling for assistance (i.e., Signal 13, medical emergency, or fire) will clearly state the nature of the problem and the type of assistance needed.

Supervision of arrestees is the responsibility of the custody officer, unless turned over to DOC personnel.

When an arrestee is secured in a cell, interview room, or any other locked space within the station temporary detention/processing area, and the custody officer has ended their direct continuous supervision of the arrestee, the custody officer will observe the arrestee in-person at least once every 15 minutes. The custody officer shall document these personal observations on a Detainee Log Sheet.

Between the personal checks every 15 minutes, closed-circuit television (CCTV) cameras and monitors shall be utilized by officers and dispatchers to monitor detainees. Custody officers will be alert for signs of altered consciousness or mental status deterioration. Any uncertainty regarding the arrestee's condition shall be resolved by summoning an ambulance. If necessary, have the individual transported to a hospital.

Arresting Officers shall ensure that access to water or restroom facilities is provided to an arrestee in a timely manner, keeping officer safety, facility security, and the detainee's well-being in mind. Restroom breaks, and the provision of water or meals shall be documented on the Detainee Processing Log in the area where 15-minute checks are listed.

S. Removing Restraints at Station processing Area and DOC

Persons brought into processing areas shall be under control at all times, in accordance with the provisions of this directive and the SOP for the respective facility. Officers will not remove restraining devices from arrestees until they are placed into a cell or they are ready to be processed. Detainees will not be secured or locked into any area or room not specifically designed for processing. If an arrestee is placed in a temporary detention cell, interview

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room, or processing area by a Bladensburg officer and the removal of one of the handcuffs is necessary, that handcuff shall only be secured to an immovable object designed and intended for such use (i.e., handcuff ring, processing bench). Officers will not remove restraints from arrestees while at a DOC regional processing facility. This will be the responsibility of the DOC officer.

T. Arrestee Property and Accountability

All property will be removed from arrestees except the following:

- Clothing being worn (belts and ties removed);
- Shoes (laces removed); and,
- Eyeglasses/contact lenses.

An itemized inventory will be made of any property taken from an arrestee on a Prisoner Property Form. When conducting an inventory of an arrestee's money or valuables, the form will be signed by a witness. The property and the Prisoner Property Form will be placed in an evidence bag, which will be kept in a secure storage area. The arrestee's property will be the responsibility of the arresting officer or custody officer pending arrestee disposition.

When arrestees are in possession of large amounts of personal property or perishable food products that won't be accepted at DOC, attempts shall be made to contact a relative or friend to take possession of the property. The method of notification and whether or not it was successful should be noted in the Case Report. If no one can take custody of the property, The arresting officer shall place the items in the property room.

U. Detainee Log Sheet

The arresting or custody officer will interview the arrestee and complete the Detainee Processing Log Sheet. Separate log sheets will be maintained for adult arrestees, juvenile delinquent offenders, and juvenile status/non-offenders. All areas of the Detainee Processing Log Sheet shall be completed.

If the detainee was under constant personal supervision by the officer, the Detainee Log Sheet will so indicate.

Whenever arrestees are transported from a temporary detention facility to a regional processing facility, the appropriate paperwork shall accompany the arrestee. This includes

medical releases, commitment orders, and charging documents.

After completion of the Detainee Log Sheet, the custody officer will search the arrestee's property for photographic identification. The identification should be kept with the arrestee's personal property so that the arrestee can be positively identified upon release or transfer.

V. Safety and Security Checks of Cells or Rooms

Before and after placing an arrestee into a cell or interview room that is not a regional processing facility, the, custody officer shall conduct a check for weapons, contraband, and evidence. Any weapons, contraband or evidence found will be reported to the Shift Supervisor. A Property Record shall be completed and the items placed in property.

Being mindful of officer safety, the safety of the facility, and the arrestee's privacy, the arresting officer shall regulate access to the processing area. Only essential persons, i.e., officers, designated staff, and Fire/EMS personnel, are permitted entry. Access of non-essential persons is prohibited except in emergencies involving security and safety hazards.

W. Arrestees Requiring Special Handling

Juvenile offenders shall not be held in secure custody for longer than six hours.

This time period begins when the juvenile enters a secure facility and ends when the juvenile is either released or transferred to another authority. If the six-hour limit is exceeded for any reason, the custody officer shall notify the supervisor, who shall forward a memorandum to the Lieutenant, by the chain of command. The memorandum, intended solely to facilitate legally mandated statistical reporting, shall document the juvenile's identity and the reasons why the time limit was exceeded.

Juvenile delinquent offenders held in secure custody at shall be completely separated by sight and sound from adult offenders.

Officers shall ensure that juvenile status offenders and juvenile non--offenders are not housed in secure detainee processing areas. The custody officer shall maintain constant ' ; supervision of such offenders until their / release to parents, guardians, or other authority. Juvenile felony offenders charged as adults shall be processed and detained as adult offenders.

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Female arrestees shall be separated by sight and sound from male offenders while in cells, and at other times when not under the continuous supervision and control of an officer.

When processing an arrestee at the Station, officers shall ensure that arrestees have access to a toilet, washbasin, and drinking water.

Arrestees under the influence of alcohol or other drugs, or who are violent or self destructive, shall be segregated from other arrestees. They shall remain under close observation to minimize the potential for injury to themselves or others. If an arrestee's condition deteriorates, the custody officers shall summon an ambulance, and, if necessary, provide for removal to a hospital.

When an officer becomes aware that an arrestee is suicidal, is an escape risk, or is otherwise a security threat, he or she shall inform the officer to whom custody is relinquished. The officer relinquishing custody shall request the District Court Commissioner or physician be advised so that the information can be included with the custody documents. Officers shall include this information on the Case Report.

X. Medical Treatment for Arrestees and Administering Pharmaceuticals

Pharmaceuticals (prescribed drugs and non-prescription legal drugs) shall be taken from arrestees, listed on a Prisoner Property Form and stored with the arrestee's other property. When an arrestee exhibits abnormal behavior or physical signs that could be related to the deprivation of pharmaceuticals, the custody officer shall immediately request an ambulance. If the arrestee has prescribed medication for specific, life-threatening conditions, such as chest pains, asthma, or other serious medical condition, the officer may allow the arrestee to take a dose of that medication while awaiting the arrival of the ambulance.

The officer shall first read the medicines instructions to ensure that the arrestee takes the correct dosage. The remaining medication shall be turned over to ambulance personnel. In all other cases, officers shall not administer any medication to an arrestee.

Y. Processing Arrestees Infected with Infectious Disease

Known infected arrestees shall be isolated from other arrestees if their behavior is violent, unpredictable, or they are unable to control body fluids. If the arrestee is transferred, the custody officer shall notify the receiving agency before the transfer that the arrestee has an infectious disease. This notification shall be restricted to those with a need to know and shall be documented in the narrative section of the appropriate report.

Z. Respecting Arrestee's Privacy

An officer may supervise arrestees of the opposite sex. Unless an arrestee is suicidal or a security risk, the officer shall respect the privacy of arrestees using toilet facilities or attending to other personal needs. If audio/visual monitors are used in cells with toilet facilities, such monitors shall be controlled to ensure the arrestee's privacy.

AA. Telephone Access by Arrestees

Generally, arrestees may be allowed to call a family member, attorney, or bail bondsman. However, telephone usage by arrestees shall be at the discretion of the custody officer.

Efforts shall be made to ensure privacy in contacts between arrestees and their attorneys. An arrestee's opportunity to make bail is not to be impeded.

AB. Arrestee Visits

The custody officer may authorize arrestee visitation. The visits shall be limited to those persons having an immediate need, such as bondsman or attorney. Visitor information shall be documented in the Case Report or Supplement Report. All visitors shall be searched.

The custody officer shall inspect all incoming items intended for the arrestee. The custody officer will intercept any cash, negotiable instruments, and contraband. Any property not deemed contraband, received from visitors will be receipted, added to the arrestee's property record, and secured with the prisoner's other property.

Any items that are determined to be a safety threat will be seized, noted on a Property Record and placed in Property.

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AC. Fire Evacuation, and Fire Suppression for Temporary Detention/Processing Area

In accordance with law, smoking is not permitted in any public building. Prior to entering a processing area, detainees will be searched and any property taken from them is properly stored.

In the event of an evacuation, supervisory and command notifications will be made. Depending upon the nature of the evacuation, Fire/EMS can be notified.

During the evacuation and in any staging area, all detainees must be secured and closely supervised. If possible, detainees should be transported to another Station, one of the Regional Processing Centers, or in the case of a juvenile, the Juvenile Regional Processing Center.

In the event of an actual fire, officers are not expected to engage in fire suppression activities or fight fires within the facility. However, they are expected to be familiar with the basic operation of fire extinguishers, in accordance with their level of training and the activation of appropriate alarm systems.

AD. Charging Documents, Adult Arrests

The arresting officer is responsible for ensuring that all documents related to the arrest are completed and submitted to a supervisor for approval.

The charging officer will complete the following documents, which are used by the District Court to track adult arrest information:

- Application for Statement of Charges;
- Statement of Charges;
- Statement of Probable Cause;
- Request for Witness Summons; and,
- Request for Witness Shielding (when necessary).

AE. Identification Numbers

A Bladensburg identification number shall be assigned to all arrestees for whom an Arrest Report is completed. Officers shall obtain the number from Communications. If an identification number has been previously assigned, officers shall use the previously assigned number.

Federal Bureau of Investigation (FBI) Records

The FBI criminal records history shall be obtained through NCIC via a CJIS terminal. Officers will not directly telephone the FBI.

Metropolitan Police Department (MPDC)

Records Check Information may be obtained by calling the Criminal History Section, Identification and Records Division, MPDC.

AF. Obtaining NCIC Check for Commissioners

Arresting officers shall initiate computer checks on arrival at the processing site. They will ensure the following checks are performed for all full-custody criminal arrests:

- NCIC check for wanted status;
- NCIC check for criminal history; and,
- Adult court record check.

If a paper copy of these checks is provided to the Commissioner at time of presentment. Officers shall ensure that the secondary dissemination of criminal history to the commissioner is logged.

AG. Check for Wanted via Office of the Sheriff for Prince George's County

Officers shall conduct a Sheriff Department wanted check through a CJIS terminal for each arrestee.

AH. Processing Information Sheet

When an arrestee is processed, a Processing Information Sheet will be completed. Charging information will be identical to that in the Arrest Report. If fingerprints or photographs are the only items submitted, this will be noted on the bottom of the sheet.

AI. Fingerprinting Adult Arrests

Adult arrestees will be fingerprinted on the Live Scan digital fingerprint system for Federal and Maryland State records.

Arrestees will be requested to sign the digital fingerprint system. If the arrestee refuses to sign, the printing officer will enter REFUSED in the signature block.

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AJ. Photographing Arrestees

If arrestees are to be photographed using the Departmental mug camera, officers will ensure that the placard displays the correct identification number. A front photo and right profile photo will be taken of the arrestees' face.

AK. Photographing Distinctive Marks

Arresting officers may photograph marks, scars or tattoos of an arrestee. Such photos may be attached to the Processing Information Sheet and forwarded to records with a notation placed on the reverse of the Processing Information Sheet.

AL. Uncooperative Arrestees

Arrestees Refusing to be Processed

When an arrestee refuses to be processed, the officer shall note this on all reports and notify the Commissioner. Commissioners cannot make the completion of processing a condition for release.

If an officer believes an arrestee is attempting to avoid identification, the officer may contact the on-duty Assistant State's Attorney. The State's Attorney may decide to seek a court order requiring the arrestee to submit to processing.

When an arrestee refuses or is unable to provide information for the Arrest Report, the officer shall note "REFUSED" or "UNABLE TO ANSWER" in the appropriate blocks.

Using an Alias to Identify an Arrestee

When an officer cannot establish an arrestee's identity, the arrestee shall be identified by an alias if possible. Officers should avoid the terms "John Doe" or "Jane Doe", unless no alternative exists. On the Statement of Probable Cause form, the officer shall state the reasons why the identity of the arrestee could not be established.

Follow-Up Responsibility of Arresting Officers

When an officer books an arrestee under an alias, the officer shall conduct a follow-up investigation and attempt to identify the arrestee. If the arrestee is not identified within 30 days, officers shall submit a Supplemental Report detailing the attempts

made, as well as the outcome and conclusion of the search.

If the officer develops additional information in the future, Supplemental Reports shall be submitted as necessary.

Arrestee's Age Undetermined

When an officer cannot establish an arrestee's age, the arrestee shall be booked as an adult, unless the officer can assume by observation that the arrestee is a juvenile. When a juvenile is charged as an adult, and is later discovered to be a juvenile, the reporting officer will submit a Supplement Report.

AM. Charging Adults on a Juvenile Petition

To constitute contributing to the delinquency of a minor, the adult must be contributing to the commission of an act by a minor, which would be unlawful even if the minor were an adult. The Office of the State's Attorney must charge adults on a Juvenile Petition.

To constitute the offense of contributing to a child in need of supervision, the adult must be contributing to the commission of an act by a minor that is unlawful for juveniles only, such as, possession of alcoholic beverages, or curfew violations.

When an offender is able to provide identification, the officer will not arrest them unless other violations mandate an arrest. The officer shall obtain the offending adults information and respond to the State's Attorney's Office, Juvenile Division, during normal business hours. The officer will complete an affidavit for a juvenile petition. Once a petition is issued, the adult will then be served.

If, however, the offender cannot be identified they will be arrested. The officer will complete an Arrest Report and Statement of Charges and present the suspect before a commissioner for bond review. The officer will respond to the State's Attorney's Office, during normal business hours, to complete an affidavit for a juvenile petition. Once a petition is issued, the adult will be served.

AN. Recording Multiple Victims or Suspects on Arrest Reports

The following guidelines will be followed when completing the arrest report:

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Multiple victims, one arrestee—Complete one Arrest Report with additional victims listed in the narrative;

Multiple arrestees, one victim—Complete a separate Arrest Report for each arrestee, using the same Case Number for each report. Separate I.D. numbers are needed for each defendant.

AO. Preparing Arrests for Prosecution

Case Screening by the Office of the State's Attorney

Screening is necessary even though a preliminary hearing will be held. Failure to screen a case in a timely manner cannot be remedied by attending the preliminary hearing. If a felony charge is dismissed because of non-compliance with this subsection, the defendant may be recharged with supervisory approval.

To schedule a screening appointment, officers shall contact the Screening Division, Office of the State's Attorney, within 72 hours after an arrest. Appointments shall be scheduled to occur within 14 calendar days following the arrest. If the Screening Division cannot accommodate the fourteen-day limit, the appointment shall be scheduled for the next available date. Field Training Officers shall accompany their recruit officers to all screening appointments.

Defendants Charged as Adults

Cases will be screened as follows:

Felonies—Except as provided in the section, Certain Cases Not Subject to Screening, Assistant State's Attorney's will review all felony cases. The Homicide Division, Office of the State's Attorney, will screen homicides and police shootings, the Criminal Trials Division, will screen other cases.

Serious Misdemeanors—Cases shall be screened through the Office of the State's Attorney, District Court Division.

Fatal Motor Vehicle Accidents—Cases will be screened by the Office of the State's Attorney, Criminal Trials Division.

Defendants Charged as Juveniles

The Office of the State's Attorney, Juvenile Division, screens felonies and serious

misdemeanors.

Documents Required at Screening Appointment

The investigating officer shall give the screening attorney all documents except warrants and warrant copies.

Certain Cases Not Subject to Screening

The following felonies fall within the jurisdiction of the District Court and are excluded from the screening process:

- **Bad Checks**—Section 8-103 of the Criminal Law Articles; or
- **Felony Theft Cases**—When a felony theft case appears routine and supervisory approval has been granted, the case need not be screened, but can be sent directly to the District Court.

Cases that require special attention, or those cases when doubt exists about which way the officer should proceed shall be directed through the Office of the State's Attorney, District Court Division.

To decide whether a case should be screened, officers shall consider:

- The defendant's criminal history;
- The amount of money or property involved;
- The complexity of the case; or,
- Whether it is newsworthy.

Multiple Cases, One Defendant

When an adult as committed numerous felonies, but is charged with only some of the crimes, the investigating officer shall notify the Office of the State's Attorney of this fact at the time of screening, and supply them with the following:

- Copies of all Case Reports; and,
- All documents as required in the section Documents Required at Screening.

When an adult commits multiple misdemeanor offenses, which result in significant property loss or personal injury, the Office of the State's Attorney, District Court Division, shall be notified. The officer shall supply the State's Attorney's Office with copies of all offense reports upon request.

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When a juvenile commits multiple offenses, which results in property loss or personal injury, the Arrest Report shall be cross referenced by case number to all incidents committed by the juvenile. Upon request, the officer shall supply the Office of the State's Attorney with:

- Copies of all Case Reports; and,
- Documents required in the section Documents Required at Screening.

AP. Release or Transfer of Arrestees

Before an arrestee is released or transferred, officers shall confirm the arrestee's identity by checking his or her identification or photograph secured at the time of processing.

Arrestee Released From Police Custody

When an arrestee is released, the arrestee's personal property will be returned only if it is not contraband and its ownership is not in dispute. The arrestee will be requested to sign the Prisoner Property Form to acknowledge receipt. If the arrestee refuses to sign, the releasing officer shall write "REFUSED TO SIGN." The releasing officer will secure the signature of another employee, who will serve as a witness.

Arrestee Transferred to Other Custody

When an arrestee is transferred, the official accepting custody will sign the Official Accepting Custody space of the Prisoner Property Form. The arrestee's property and a copy of the form will then be turned over to that official. The releasing officer shall forward the Prisoner Property Form to records.

Arrestees transferred to the custody of the DOC will only be permitted the following items:

- Medications, glasses or dentures;
- Address book or similar information;
- Cash, checks or money orders;
- Family pictures;
- Legal papers;
- Personal clothing worn at the time of the transfer;
- Religious materials;

- Wallets; or,
- Jewelry.

Any item not listed is prohibited and shall be submitted to the Property Section for safekeeping.

Accepting Arrestee from Other Authority

When arrestee custody is accepted from another authority, the officer accepting custody shall:

- Identify the relinquishing officer by name, ID number, and department; and,
- Search the arrestee;
- Verify the authority to detain the arrestee by teletype, court commitment, official documentation, or confirmation by a police officer familiar with the circumstances of the transfer.

Arrestee Transferred from Detention Center

Officers removing arrestees from the Department of Corrections or other correctional facility are responsible for the custody, security, and safety of that arrestee.

Officers seeking temporary custody of an arrestee from DOC custody shall obtain a court order from the State's Attorney's Office. Once obtained, the officer shall fax a copy of the court order to DOC Records Section and follow up with a telephone call.

The Department of Corrections will arrange to have the arrestee prepared for transport.

Upon arrival at the facility to pick up the arrestee, officers will ensure that the arrestee is positively identified by checking the individual's identification, photograph, or with DOC staff.

When the arrestee is transported from or returned to DOC Custody, officers shall ensure that information relating to the arrestee's escape or suicide potential, or other security concern, is recorded and included in the documentation that accompanies the arrestee.

Arrestee Transferred from Regional Processing Facilities

Officers shall ensure that arrestees are interviewed prior to being presented before a District Court Commissioner. Once a

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Commissioner has committed an arrestee to DOC, officers must obtain a court order to remove the arrestee from a regional processing facility.

Persons Arrested by Outside Agencies

If an officer from an outside agency brings an arrestee to a processing facility and no officer is available to accept him or her, the outside agency officer will be directed to remain with the arrestee until an officer accepts custody or the arrestee is transported away from the facility.

Special Police Officers shall complete all paperwork associated with their arrests. The reporting officer shall:

- Process the arrestee;
- Complete all paperwork associated with the arrest of suspects for persons other than police officers or Special Police Officers; and,
- Ensure all booking paperwork is completed.

HISTORY: Adopted November 9, 2009

This General Order supersedes all other orders and memoranda in conflict therewith.

Authority:



Charles L. Owens
Chief of Police