

**2.610 ARREST PROCESSING –  
GENERALLY** (1.2.5, 1.2.6, 1.2.7)

- A. Supervisors will respond to arrest scenes and supervise all aspects of arrestee processing, to include booking and reviewing of all related documents any time that full custodial criminal or motor vehicle arrests are made, regardless if charges are actually filed.
- B. Arrestees will be processed as soon as possible.
- C. Consistent with **2.650 Temporary Detention**, the routine processing of arrestees will be conducted in this agency's temporary processing facility unless otherwise authorized by a supervisor or commander.

**2.610.02 Reporting Requirements**

- A. Officers who arrest or file criminal or civil charges against persons will write initial or supplement reports as appropriate using the agency's on-line report management system (RMS):
  - 1. For on-view criminal and motor vehicle arrests;
  - 2. When arrests are made, but processing was ceased and/or subjects were released without charges;
  - 3. When criminal warrants, summonses, body attachments, custody petitions, or other legal processes are served;
  - 4. Any time suspects are charged by criminal, civil, juvenile, or MA traffic citations; and
  - 5. Any time a person is placed into a holding cell or handcuffed to the bench in the holding facility.
- B. Statements of Probable Cause will be written any time persons are arrested and taken before a commissioner.
- C. Statements of Probable Cause will not be written any time persons are issued civil, juvenile, or MA traffic citations and not taken before commissioners.
- D. Officers will write statements of probable cause on **Probable Cause Continuation DC / CR 4** forms when they charge adults by issuing **Uniform Criminal Citations DC / CR 45**. See also **2.410.02 Criminal Citations**.

**2.610.04 Document Review & Approval**  
(71.3.1.b)

- A. Officers will:
  - 1. Consult with on-duty supervisors for assistance with arrest related documents to ensure documents are properly completed;
  - 2. Before transporting arrestees to commissioners, complete and receive supervisory approval on all documents required for those hearings;
  - 3. Before going off duty, complete and receive supervisory approval of all arrest related paperwork and reports, including juvenile custody and referral reports. However supervisors or commanders may give officers permission, based on exigent circumstances, to delay completing related documents until arresting officers' next shifts or duty dates.
- B. Supervisors will:
  - 1. Ensure officers receive any necessary assistance completing arrest related documents. Assistance provided by others does not relieve supervisors of their responsibility to ensure all related documents are properly composed and completed;
  - 2. Ensure that, before officers take arrestees for commissioner hearings, all documents required for those hearings are reviewed and approved;
  - 3. Confirming their reviews and approvals by initialing the lower right corner of all documents they review that do not already contain spaces for supervisory approval;
  - 4. Before going off-duty, brief on-coming supervisors with all necessary information to facilitate arrest document review and approval; and
  - 5. Not stay on-duty in an overtime capacity to review reports unless they have received command approval because the incidents are unusual or complex.
- C. On-coming supervisors will:
  - 1. Ensure they are briefed on any on-going arrest processing;
  - 2. Review, ensure corrections are made to conform to existing criteria, and approve any arrest related documentation prepared by officers who made arrests before these supervisors came on duty.

### 2.610.06 Release Without Charges (44.2.1.a)

- A. Officers will not file charges against persons when initially existing probable cause no longer exists as the result of investigations or other situations.
1. Officers must promptly brief on-duty supervisors on the facts and circumstances surrounding the decision or need to release persons without filing charges.
  2. Adults who have been arrested without warrants may be released with supervisor or commander approval any time during processing, but before commissioner hearings.
  3. Juveniles who have been arrested without warrants may be released with supervisor or commander approval at any time during processing. Parents or guardians of arrested, uncharged juveniles must be notified of the incidents by arresting officers and the notification information included in related incident reports.
- B. Officers arresting, but subsequently not charging, persons will stop and not complete certain aspects of processing when decisions are made not to file charges.
1. Fingerprint cards, statements of probable cause, *Miranda Rights*, Detainee Screening and Property, etc. completed up to the point where processing is stopped will be prominently marked "VOID" and submitted to Central Records following report review and approval.
  2. No further photographs will be taken.
  3. Adult arrest reports and juvenile contact and referral reports must be completed as much as applicable and indicate arrestees were released without charges.
  4. Central Records personnel are responsible for ensuring the arrest is expunged consistent with **Criminal Procedure (CP) § 10-103.1**.
- C. Reports of incidents when arrests are made, but charges not placed will contain facts and circumstances describing the incidents, how initial probable cause was established, and, if applicable, circumstances leading to diminishment of probable cause.

### 2.610.08 Identity Verification

- A. Employees will make all reasonable efforts to positively identify individuals before they are formally charged or served with legal process documents.
- B. More than one form of identification may be needed by officers in order to positively identify arrestees. However, additional forms of identification are not required when officers are satisfied with the identification document or information that is supplied.
- C. Identification documents and personal information include, but are not limited to:
1. Photo IDs issued by governmental agencies, such as driver's licenses, age of majority cards, US Uniformed Services ID cards, passports, etc.;
  2. Criminal justice system records, such as photographs or mug shots, fingerprints, criminal history, crime or incident reports, etc.; and
  3. Birth or marriage certificates, US Uniformed Services discharge papers, school records, etc.
- D. Other sources of identification information include, but are not limited to:
1. Personal identification by criminal justice personnel based on past experiences with subjects;
  2. Telephone or in-person contact with relatives or guardians;
  3. Department of Juvenile Services (DJS) if there is a possibility the subject is a juvenile;
  4. Quick-read fingerprint services through the FBI Special Processing Center and MD CJIS Fingerprint Unit; and
  5. PeopleSoft if the person may be affiliated with Towson University.

### 2.610.10 CJIS Central Repository, Fingerprint Unit

- A. The Criminal Justice Information System Central Repository (CJIS-CR), Fingerprint Unit provides quick readings 24 hours a day through the Maryland Automated Fingerprint Identification System (MAFIS) to help make urgent or critical identifications of unknown subjects, arrestees, or decedents who have been fingerprinted in Maryland. Urgent nation-wide fingerprint searches should be submitted to the FBI Special Processing Center.
- B. To use the MAFIS quick read service, officers will:
1. Complete a CJIS fingerprint card;
  2. Obtain supervisory or command approval;
  3. Notify the Fingerprint Unit by calling the phone number in the communications resource system; and
  4. Hand carry the cards to CJIS at:  
6776 Reisterstown Rd.,  
Reisterstown, MD.
- C. Officers must positively identify themselves as police officers to CJIS personnel.

### 2.610.12 FBI Special Processing Center

{Revised: 11/13/14}

- A. The FBI's Special Processing Center (SPC) operates 24 hours a day to help law enforcement agencies make urgent or critical identifications of unknown subjects, arrestees, or decedents.
- B. To use the services of the SPC, officers will:
1. Use regular NCIC and/or CJIS resources first;
  2. Obtain supervisory approval;
  3. Obtain a full set of fingerprints on an FBI card;
  4. Notify the SPC and obtain clearance from them by calling the phone number in the communications resource system; and
  5. FAX OR EMAIL THE PRINTS TO THE NUMBER OR EMAIL ADDRESS GIVEN BY THE SPC.
- C. To fax the fingerprints:
1. Include a cover sheet that contains:
    - a. This agency's name & 24-hour phone number;
    - b. ORI number; and
    - c. Name of requesting officer;
  2. Set the fax machine to its highest resolution;

3. Fax the regular size, FBI fingerprint card;
4. Fax photocopied enlargements of each fingerprint. Fingerprints should be enlarged to about 2" X 2" square, or about 130% of the original size.

#### D. TO EMAIL THE FINGERPRINTS:

1. SCAN THE FINGERPRINT CARD AS AN IMAGE (.JPG OR SIMILAR) OR PORTABLE DOCUMENT FILE (.PDF) AT 600 DOTS PER INCH (DPI);
2. ATTACH THE FILE TO AN EMAIL THAT CONTAINS IN ITS BODY:
  - A. THIS AGENCY'S NAME & 24-HOUR PHONE NUMBER;
  - B. ORI NUMBER; AND
  - C. NAME OF REQUESTING OFFICER;
3. CALL AND NOTIFY THE SPC THAT THE EMAIL HAS BEEN SENT.

### 2.610.14 Detention & Screening Report

(44.2.2.b, 70.1.6.d & .e, 70.1.8, 71.3.1.a & b,  
71.3.3.c & e)

- A. Arresting officers will ensure that **Detention & Screening Reports (UPO.006.D)** are completed for all arrestees brought into the agency's temporary detention facility in order to record:
1. The results of inventory searches;
  2. Apparent condition of arrestees, including but not limited to:
    - a. Current health;
    - b. Medications currently being taken;
    - c. Behavior, including state of consciousness and mental status;
    - d. Obvious and alleged injuries;
    - e. For juveniles, determining if they allege to have been harmed or are in danger of being harmed;
  3. Recommendations and actions taken to ensure any necessary treatment is received;
  4. Property held pending its return at time of release;
  5. Visual observances of **30** minute or less intervals;
  6. Meals provided;
  7. Signatures of receiving officials when arrestees are transferred to other agencies; and
  8. Advising receiving agencies of any potential medical or security hazards presented by arrestees.

- B. Officers must be alert for, and subsequently report to supervisory personnel, arrestees' potential signs of suicidal or other harmful behavior that may include, but is not limited to:
1. Evidence of prior suicide attempts;
  2. Talk of suicide, including jokes;
  3. Alcohol and/or drug intoxication;
  4. Unrealistic attitudes or a lack of sense of the future;
  5. Excessive shame or guilt;
  6. Severe mood changes;
  7. Known mental illnesses; and
  8. Behavior of a provoking manner.
- C. Security of arrestees' property is the responsibility of custodial officers pending arrest dispositions.
- D. Property being retained by the agency as evidence or contraband will be recorded separately consistent with **2.500 Property & Evidence**.
- E. Arrestee property that is to be returned to them will be recorded only on **Detention & Screening Reports (UPO.006.D)** and not on other forms. These records will be included with other arrest related documents for submission to and retention by Central Records.
- F. Arrestees in detention cells or in areas used for processing are allowed to keep on their person only:
1. Essential items of clothing being worn;
  2. Shoes with the laces removed; and
  3. Essential life-assist items of the disabled.
- G. Patrol supervisors will decide if other clothing or articles worn by arrestees are dangerous to life or would aid escape.
- H. Property will be inventoried in the presence of owners unless they are violent, unconscious, or otherwise incapable of witnessing the inventory process. Inventorying officers will use other employees as witnesses when arrestees do not witness their property being inventoried. In order of preference, those employees are supervisor ranked, other officer, civilian employee.
1. Appropriately sized envelopes, paper bags, or plastic bags supplied by Logistics will be used to facilitate the inventory and security of arrestee property. Bags will be sufficiently marked to identify ownership.
2. Cash will be counted and put in separate envelopes and placed in the larger property envelope / bag with arrestees' other property.
  3. Arrestees will be asked to sign the forms witnessing the accurate listing of inventoried property. Arresting or processing officers will have other officers witness and sign the forms when arrestees are unwilling or incapable of signing.
  4. Arrestee property will be stored in the facility's temporary property lockers until arrestees are released or taken before commissioners.
- I. Property that is not being kept as evidence or contraband will be returned to arrestees if they are released from agency custody or to BOC or other officials.
1. Arrestees who ask that items be released to other persons must do so in writing on the **Detention & Screening Reports**.
  2. Personal property will not be returned to arrestees if they are unwilling or incapable of signing for their property. In such cases, their property will be submitted to Logistics for secure storage.
  3. When arrestees are turned over to other agencies, officials who accept custody must sign in **Official Accepting Custody** section.
  4. Alleged discrepancies in personal property inventories claimed by arrestees must be brought to the attention of supervisory or command ranked personnel before arrestees are released. Alleged discrepancies will be reported on by the on-duty shift supervisor and subsequently investigated consistent with **1.712 Punitive Discipline**.
- J. Consistent with BOC directives, arrestees are permitted to bring only listed property into the facility. All other property will be refused entry.
1. Permitted property is:
    - a. US currency;
    - b. All legal papers and related materials;
    - c. Personal photographs, no Polaroid's;
    - d. Stationary, i.e., stamps, blank paper, and blank envelopes;
    - e. Cigarettes or cigars sealed in original containers; and

- f. Only the clothing that is currently being worn.
2. Property that is not accepted by BOC must either be lawfully disposed of by arrestees or kept consistent with **2.500 Property & Evidence**.

#### **2.610.16 Miranda Rights - Generally**

- A. **Miranda Rights (UPO.055.D)** forms should be used when officers seek to interrogate people who are under arrest.
- B. Asking arrestees administrative related questions for the purpose of completing arrest documentation are not interrogations for Miranda purposes.
- C. See also **2.308.06 Interrogations**.

#### **2.610.18 Criminal Activity Debriefing**

*(11.4.5, 45.2.2.b)*

- A. Officers will:
  1. Use **Criminal Activity Debriefing Records (UPO.005.D)** to debrief all arrestees in an attempt to obtain information on other criminal activities;
  2. Tell arrestees that the information will be passed on to the appropriate law enforcement agency and the OSA will be informed of any cooperation or their assistance, but that officers can make no promises or inducements; and
  3. Ensure prompt notifications are made when information is developed pertaining to serious criminal matters or very recent or planned criminal activities.
    - a. The investigations supervisor and/or commander will be notified for those criminal activities within this agency's primary jurisdiction.
    - b. Appropriate allied law enforcement agencies will be notified for those criminal activities outside this agency's primary jurisdiction.
    - c. Notifications will be documented on debriefing records.
- B. Debriefing records must be reviewed for approval by supervisors and subsequently submitted with completed arrest related materials to Central Records.

1. Central Records staff will, while conducting arrest packet audits ensure completed debriefing records are submitted to the investigations supervisor. Copies of debriefing records will not be retained in Central Records.
2. The investigations supervisor will:
  - a. Initially review incoming debriefing records for investigative leads;
  - b. Promptly inform appropriate command personnel of relevant information or potential emerging trends or patterns;
  - c. Ensure allied law enforcement agencies are notified, and debriefing records updated with notifications made to those agencies, of investigative leads for criminal activities within their jurisdictions;
  - d. Maintain a secure filing system for completed debriefing records;
  - e. Include any trends and patterns developed from debriefing records as a component of the quarterly reports to the Chief consistent with **2.408 Crime Prevention & Community Involvement**.

#### **2.610.20 Booking Procedures** (82.3.6)

- A. Officers will assign arrest numbers (AR#s) and complete adult arrest reports or juvenile contact and referral reports as appropriate only for physical criminal adult and juvenile arrests.
  1. Use AR#s for on-view criminal and traffic arrests where suspects are taken into custody, and:
    - a. Charged by statement of charges;
    - b. Issued criminal citations and released on their signatures;
    - c. Issued traffic citations and released on their signatures or taken before court commissioners;
    - d. Served with arrest warrants;
    - e. Processed as military AWOL / deserters;
    - f. Turned over to other agencies;
    - g. Released without charges; or
    - h. Processed as juveniles (handled within department & released, referred to juvenile services, referred to circuit court, etc.).

2. Officers will not issue AR#s and write arrest reports when suspects have not been taken into custody (arrested), but are being charged as:
  - a. Adults by criminal summons;
  - b. Adults or juveniles by civil citations; or
  - c. Adults or juveniles by traffic citations.
3. Officers will not issue AR#s and write arrest reports when suspects are arrested while being actively pursued or wanted by other agencies, but crimes were not committed on university property and arrestees were not transported to Headquarters for holding or processing. However, in these situations, arresting officers must write "Assist Other Jurisdiction" (AOJ) reports containing information that includes, but is not limited to:
  - a. Name and identifying information of arrestees;
  - b. Why arrestees were wanted and by which allied agency;
  - c. Names of involved TU officers and their roles in the incidents;
  - d. Any uses of force conducted or observed by TU officers; and
  - e. Names and ID#s of officers from allied agencies who took custody of arrestees.
- B. Arresting officers will consecutively assign AR#s from the arrest ledger in the processing room.
  1. AR#s will be placed on the photo board when mug shots are taken.
  2. Only one AR# will be issued for each occasion a person is arrested, regardless of the number of charges placed against the person for that arrest.
  3. The names of juveniles will not be written in the arrest ledger. "Juvenile" will be written in the name field, but all other fields will be completed.
  4. Central Records staff will ensure the arrest ledger is ready and available for use by processing officers.
- C. Arresting officers will ensure that:
  1. An adult arrest report or juvenile referral and custody report is completed as appropriate for each arrestee as described in **2.610.20.A.1**; and

2. Each original and copy (if arrest report forms are multi-part) has the required fingerprint of the arrestee.
- D. Central Records Staff will assign BI#s (adult booking identification numbers) and JI#s (juvenile booking identification numbers) as appropriate for each arrestee as described in **2.610.20.A.1**.

#### **2.610.22 Refusal to Submit to Processing**

- A. Officers may use reasonable force while attempting to process arrestees.
  1. Any uses of force will be documented consistent with **2.820 Reporting Use of Force**.
  2. Officers will cease photographing, fingerprinting, or other similar physical activities when, in the judgment of arresting or processing officers or supervisory personnel, continued efforts may result in injuries to officers or arrestees.
- B. Arresting officers will contact a commander during business hours or the Duty Officer during non-business hours for guidance when arrestees do not submit to processing.

#### **2.610.24 Criminal History Record Information (CHRI)**

- A. Arresting officers will ensure that record checks are promptly initiated on all adults and juveniles who are:
  1. Arrested or detained by this agency;
  2. Served arrest warrants, criminal summonses;
  3. Served writs of attachment obtained and served by this agency;
  4. Issued criminal, civil, municipal, etc. citations; or
  5. Physically arrested and taken before commissioners or released on their signature for motor vehicle offenses.
- B. The contents of CHRI may be referenced in related reports, but printed copies must be destroyed and not:
  1. Included in any case or arrest file; or
  2. Disseminated to ineligible third parties. See also **CP § 10-213** and following sections and **COMAR 12.15.01** and following sections.

### 2.610.26 Fingerprinting – Generally (1.2.5.b)

- A. Employees will use the agency's live scan fingerprint system for all fingerprinting unless:
1. The live scan equipment is unavailable or out of service;
  2. Subjects' fingers are deformed and must be printed with special equipment such as fingerprinting spoons; or
  3. Approved by a commander.
- B. The ink and slab, manual fingerprinting equipment mounted on a roller cart and stored in the Armory (PSB #115) will be used if the live scan system is out of service.
- C. When using the inked method of fingerprinting, employees will:
1. Use in this preference order:
    - a. Pre-inked pad; or
    - b. Manually inked slab;
  2. If the manually inked slab is used, clean the slab after each fingerprinting session;
  3. FOR ADULTS, PRINT:
    - A. ONE FBI 10-PRINT CARD;
    - B. ONE MD CJIS 10-PRINT CARD; AND
    - C. ONE MD CJIS PALM PRINT CARD;
  4. FOR JUVENILES NOT CHARGED AS ADULTS, PRINT:
    - A. ONE MD CJIS 10-PRINT CARD; AND
    - B. ONE MD CJIS PALM PRINT CARD; AND
  5. SUBMIT PRINT CARDS ALONG WITH OTHER ARREST RELATED DOCUMENTS FOR APPROVAL AND TRANSMITTAL TO CENTRAL RECORDS.
- D. See also:
1. **2.622.04 Adult Fingerprinting;** and
  2. **2.624.04 Juvenile Fingerprinting.**

### 2.610.28 Court Ordered Fingerprinting

- A. Consistent with Criminal Procedures **CP § 10-216**, officers will request assistance from the Office of the State's Attorney (OSA) to obtain court ordered fingerprinting at sentencing when:
1. Defendants were not fingerprinted at the time of their arrests, such as criminal summonses or criminal citations; and
  2. They are found guilty, plead guilty or *nolo contendere* to crimes that are reportable as criminal history record information; and

3. Are sentenced to commitments in local correctional facilities, receive suspended sentences, probation, probation before judgment, or fines.
- B. When individuals report to Headquarters for court ordered fingerprinting, officers will:
1. Ensure that officers, not aides, conduct the fingerprinting;
  2. Positively identify the persons by governmental issued identification documents, departmental arrest records, photographs, etc.;
  3. Fingerprint them as applicable;
  4. Sign court orders after fingerprinting;
  5. Accept temporary authorization forms or other documentation from Parole and Probation; and
  6. Submit completed fingerprint cards and copies of any authorizing documents to Central Records following supervisory reviews.

### 2.610.30 Photographing (1.2.5.c)

- A. Arresting officers will ensure that photographs are taken of all adults and juveniles brought to the PSB for full processing of:
1. On-view and warrant related arrests
  2. DWI/DUI and other traffic offenses when full-custody arrests are made; and
  3. Criminal arrests when suspects are subsequently released after signing criminal citations.
- B. Officers will use the digital camera stored in the forms cabinet to take arrest related photographs.
1. To photograph arrestees:
    - a. Ensure a **Mugshot ID Card (UPO.115.D)** is completed with the correct AR# and arrest date for each arrestee to be photographed. Handwriting on the card should be about the same height as the printing on the card;
    - b. Have arrestees sit on, or stand directly in front of, the metal bench in the common area and hold the Mugshot ID Card at approximate mid-chest level. Ensure their hands do not cover any of the printing on the card;

- c. Stand with your toes up to the line on the floor in front of the bench; and
  - d. Hold the camera horizontally (landscape format) and take the required number of booking photographs.
2. Required booking photos are:
- a. One full-face photo;
  - b. One right profile photo – head, but not their body, turned to the right;
  - c. One left profile photo – head, but not their body, turned to the left; and
  - d. Others necessary to record arrestees' scars, marks, tattoos, or other distinguishing features.
3. Remove and replace the camera's memory card after all arrestees from the incident have been processed. Package the used memory card and submit it along with arrest related paperwork to Central Records.
4. The Central Records supervisor will ensure photos are downloaded into the records management system (RMS) and that original photos are deleted from memory cards before restocking the memory cards in the processing area.
- C. It is optional to photograph subjects charged and released in the field for arrestable traffic violations, with criminal summonses, or are issued criminal, civil, etc. citations.

#### **2.610.31 DNA Collection** (83.2.7)

- A. Arresting officers are responsible for ensuring any DNA samples required by **Public Safety (PS) 2-501, et. seq.**, are collected during arrest processing. Samples must be collected before defendants are taken before court commissioners.
- B. See also **2.510.30 Arrestee DNA Collection**.

#### **2.610.32 Presenting Defendants Before Judicial Officers** {Revised: 11/13/14}

- A. Consistent with **MD Rule 4-212** and **Criminal Procedure (CP) § 4-101 Charge by Citation**, defendants who are custodially held and not released on their signature must be taken before a court commissioner without unnecessarily delay and in no event later than 24 hours after arrest. Defendants may waive their prompt presentment rights, but cannot waive the 24 hour presentment requirement.

- B. Some factors that would justify presentment delays include:
1. Completing booking procedures;
  2. Determining whether to seek charging documents against suspects;
  3. Corroborating crimes to which defendants have admitted;
  4. Gathering information which is likely to be significant in averting harm to persons or loss of property of substantial value; and
  5. Gathering information against co-defendants; and
  6. Gathering evidence relating to the crimes.
- C. Officers:
1. Will use **Prompt Presentment Rights (UPO.059.D)** forms **only** when it becomes necessary to request defendants waive their prompt presentment rights because post-arrest custody and processing extends beyond:
    - a. What is regularly customary or necessary for similar cases; or
    - b. Twelve hours;
  2. Will not use prompt presentment waivers merely as a tactic to allow extra time for standard processing;
  3. Will not take any step to impede arrestees' opportunity to make bail.
  4. Will include in their reports any activities out of their control that added to arrestee processing and presentment, such as intoxicated and uncooperative arrestees, emergencies requiring officers' immediate or prompt attention, long waits for commissioner hearings, etc.
- D. The minimum documentation necessary for arrestee presentation before judicial officers for compliance with **MD Rule 4-212** is:
1. Charging documents such as Statements of Charges, warrants, traffic citations, etc.
  2. Statements of Probable Cause when initially filing charges;
  3. Arresting officers' next three projected court dates; and
  4. Any witness summonses.



- E. COMMISSIONERS WILL SCREEN DEFENDANTS TO DETERMINE IF THEY WANT TO BE REPRESENTED BY COUNSEL DURING THEIR INITIAL APPEARANCES, IF THEY CAN BE REPRESENTED BY PRIVATE COUNSEL, OR IF THEY ARE INDIGENT AND WILL BE REPRESENTED BY COUNSEL FROM THE APPOINTED ATTORNEYS PROGRAM.
- F. DEFENDANTS MAY WAIVE THEIR RIGHT TO REPRESENTATION DURING INITIAL APPEARANCES. WAIVER PROCESSES WILL BE CONDUCTED BY COMMISSIONERS USING COURT APPROVED DOCUMENTS.
- G. DEFENDANTS WHO WANT TO BE REPRESENTED BY PRIVATE COUNSEL OR WHO WILL BE REPRESENTED BY APPOINTED ATTORNEYS WILL NOT HAVE THEIR INITIAL APPEARANCE HEARINGS COMPLETED UNTIL COUNSEL IS PRESENT. THIS MAY RESULT IN DEFENDANTS BEING TEMPORARILY HELD, SPACE PERMITTING, IN THE COURTHOUSE TEMPORARY HOLDING AREA OR TEMPORARILY COMMITTED IN THE CUSTODY OF THIS AGENCY. IN THE LATTER CASE, DEFENDANTS WILL BE RETURNED TO AND SECURELY HELD IN THE AGENCY TEMPORARY DETENTION AREA UNTIL THEIR PRIVATE COUNSEL ARRIVES AT THE COMMISSIONER'S LOCATION OR APPOINTED ATTORNEYS ARE ON-DUTY.
1. APPOINTED ATTORNEYS ARE NOT ON-DUTY 24 HOURS A DAY AT ANY OF THE THREE COMMISSIONER LOCATIONS IN THE COUNTY.
  2. COMMISSIONERS WILL RELEASE DEFENDANTS WITHOUT CHARGES IF CHARGING DOCUMENTS ARE DEFICIENT, SUCH AS WHEN THERE IS INSUFFICIENT PROBABLE CAUSE, OR THE CHARGES DO NOT CORRESPOND TO PROBABLE CAUSE STATEMENTS. ARRESTING OFFICERS AND THEIR SUPERVISORS MUST COMPLY WITH **2.610.04 DOCUMENT REVIEW & APPROVAL** TO ENSURE ARREST RELATED DOCUMENTS ARE PROPERLY COMPLETED.
  3. COMMISSIONERS WILL RESPOND TO HOSPITALS FOR INITIAL APPEARANCES OF HOSPITALIZED DEFENDANTS. DEFENDANTS WHO DO NOT WAIVE THEIR **DEWOLFE** RIGHTS WILL BE COMMITTED IN CARE OF THE ARRESTING AGENCY UNTIL SUCH TIME DEFENDANTS CAN BE BROUGHT BEFORE COMMISSIONERS WHEN APPOINTED ATTORNEYS ARE ON-DUTY.

4. FEMALES, TRANSGENDERED PEOPLE, AND OTHER DEFENDANTS WHO ARE NOT ELIGIBLE TO BE HELD IN THE COURTHOUSE TEMPORARY HOLDING AREA WILL BE TEMPORARILY HELD BY THIS AGENCY PENDING THE COMPLETION OF THEIR INITIAL APPEARANCES.
5. ONE OFFICER FROM THE ON-DUTY PATROL SQUAD WILL BE ASSIGNED TO THIS AGENCY'S TEMPORARY DETENTION AND PROCESSING AREA ANY TIME DEFENDANTS ARE BEING TEMPORARILY HELD PENDING COMPLETION OF THEIR INITIAL APPEARANCE HEARINGS.
6. BRINGING DEFENDANTS BEFORE COMMISSIONERS WITHIN 24 HOURS FULFILLS THE PROMPT PRESENTMENT REQUIREMENTS UNDER **JOHNSON** EVEN IF THEY INVOKE THEIR **DEWOLFE** RIGHTS AND THEIR INITIAL APPEARANCE HEARINGS ARE NOT CONDUCTED UNTIL AFTER 24 HOURS HAVE PAST.
7. DEFENDANTS WILL BE TAKEN BEFORE THE TOWSON COMMISSIONER.

#### **2.610.34 Felony Review**

- A. The Felony Complaint Review Unit of the OSA reviews all felony arrests. Review unit personnel usually make contact with arresting officers prior to preliminary hearings and/or grand jury proceedings.
- B. Arresting officers will:
  1. Promptly notify their supervisors of the review appointments to assist in resolving any scheduling or staffing conflicts;
  2. Comply with the OSA's requests for additional investigation, evidence collection, or documentation;
  3. Inform the OSA if there are multiple cases involving the same defendant or defendants;
  4. 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; and
  5. Document review outcomes, including any comments or disagreements with the OSA's decisions, on **Confidential Investigative Notes (UPO.034.D)**.

- C. Although charging documents are regularly forwarded from commissioners to the OSA, arresting officers, with assistance from Central Records are responsible for ensuring that necessary copies of case related documents are provided to the review unit. These documents may include, but are not limited to:
1. Crime, investigative reports, and other pertinent reports of crimes for which defendants are believed responsible;
  2. Copies of any warrants for searches or electronic surveillances;
  3. Criminal histories;
  4. Forensic laboratory reports;
  5. Photographs;
  6. Witness information;
  7. Officers' rough notes; and
  8. Other information that will assist the OSA in determining proper charges.

#### **2.610.36 Repeat Offenders** (42.1.5)

- A. The Baltimore County Police Repeat Offender Team (ROT) and the OSA will be notified when arrestees are being charged with crimes specified in this section. Notifications will be made not later than the next business day by:
1. The supervisor responsible for the investigations function; or
  2. The commander responsible for the investigations function in absence of the investigations supervisor.
- B. Repeat offenders are those who are eligible for mandatory sentencing and have been charged as adults for:
1. Crimes of violence as described in **Criminal Law (CR) 14-101**;
    - a. Abduction;
    - b. Arson in the first degree;
    - c. Kidnapping;
    - d. Manslaughter, except involuntary manslaughter;
    - e. Mayhem;
    - f. Maiming;

- g. Murder;
  - h. Rape;
  - i. Robbery under **CR § 3-402** or **§ 3-403**;
  - j. Carjacking;
  - k. Armed carjacking;
  - l. Sexual offense in the first degree;
  - m. Sexual offense in the second degree;
  - n. Use of a handgun in the commission of a felony or other crime of violence;
  - o. Child abuse in the first degree under **CR § 3-601**;
  - p. Sexual abuse of a minor under **CR § 3-602** if:
    - (1) The victim is under the age of 13 years and the offender is an adult at the time of the offense; and
    - (2) The offense involved vaginal intercourse, a sexual act, an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus, or the intentional touching, not through the clothing, of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
  - q. An attempt to commit any of the crimes described in items (a) through (p) of this subsection;
  - r. Continuing course of conduct with a child under **CR § 3-315**;
  - s. Assault in the first degree;
  - t. Assault with intent to murder;
  - u. Assault with intent to rape;
  - v. Assault with intent to rob;
  - w. Assault with intent to commit a sexual offense in the first degree; and
  - x. Assault with intent to commit a sexual offense in the second degree; or
2. Controlled Dangerous Substance (CDS) offenses as described in **CR § 5-602 through § 5-606**.