

**24.1 GENERAL GUIDELINES**

- .1 The law and procedures governing arrest are of major importance to the officer and to the community which he/she serves. There is no branch of the law which concerns both groups more directly. An officer of the force, having the power of arrest, should make a thorough study of this phase of law enforcement for two reasons: first, to insure himself against criminal or civil liability for any improper action on his part; second, to enable him/her to properly perform the duties of the office to which he/she has been appointed. The former concerns the officer, the latter, the community to which the officer is responsible as a public servant.
- .2 An arrest must never be made by an officer because the officer feels that his/her dignity was impaired by derogatory remarks made by a citizen. The officer should feel immune to attempts to belittle his/her office; he/she should so conduct themselves as to earn the approval, assistance, and cooperation of citizens by being courteous and polite under all circumstances. When an arrest is made, the provocation must be sufficiently grave to justify the action; arrests made simply to show authority or to vent personal feelings will not be tolerated.
- .3 Whenever an officer has occasion to call to the attention of a citizen a violation of any law, he/she should do so in a manner which will not cause resentment, and, if practical, should explain the reason for his action, whether or not prosecution may follow. The officer should bear in mind that, frequently, a polite warning to persons guilty of very minor offenses will be sufficient, and that arrest in such cases should not be made unless the violations are wilful and repeated.
- .4 Discretionary power is the power of free decision, or latitude of choice within certain legal bounds. When this power is poorly exercised, discretionary power may be viewed by the public as favoritism, bias, or corruption. Therefore it is imperative that officers take into consideration when exercising discretionary power the goals and objectives of the department, the best interests of the public they serve, any mitigating circumstances, and the volatility of the situation at hand.
- .5 Every person arrested has the right to inquire of the officer the reason for which the action is based, and the officer has the duty of informing the subject of the offense, but it is not necessary to explain the nature of the charges in detail, at the time of arrest. Every person shall be advised of his rights, with the officer reading from his issued Miranda Warning Card, in the event the Miranda Warning is necessary.
- .6 After an officer has made an arrest, he must not undertake to adjudicate the case, as this is the duty of others so designated by law for that purpose.

**24.2 PRECAUTIONARY MEASURES**

- .1 The provisions of the law which define the circumstances under which a police officer may arrest must be strictly observed. No person may be arrested or detained by any police officer except under the authority of law. An arrest is authorized either by warrant, issued by competent authority (refer to MD Rules Title 4, Chapter 12, Rule 4-212), or without a warrant, under certain circumstances ( refer to Criminal Procedure Article §2-201 through §2-210).
- .2 In making an arrest, the officer must use discretion regarding his/her own safety and the security of the detainee; always remembering that the officer is responsible for delivering the prisoner/detainee safely.. The following general rules should always be kept in mind whenever an arrest is made:
  - .1 Guard against carelessness and routine when making an arrest; watch the detainee's every move. Be alert; treat every case individually. Assume every detainee is awaiting his chance to escape.
  - .2 Never underestimate the person arrested. The apparently harmless may be the most dangerous.
  - .3 Keep the detainee before you. Never allow him to stand behind you, or at your side where he may seize your weapons.

- .4 Avoid unnecessary conversation with a detainee. Give orders with authority, briefly and clearly.
- .5 Prevent the detainee from putting his hands in his pocket at any time. He should be warned against doing this immediately upon his arrest. Even the most innocent object may be used as an offensive weapon by the detainee.
- .6 Always consider the possibility of the accused being armed. Take no chances whatever even after the detainee has been carefully searched.
- .7 Always obtain assistance to effect the arrest of an armed or dangerous criminal.
- .8 Command the situation. Don't antagonize or handle the detainee with unnecessary roughness.
- .9 The proper departmental code shall be given prior to transporting detainees; i.e., starting mileage, location, ending mileage.
- .10 When assisting other officers in transporting detainees, the assisting officer shall not converse with the detainee regarding circumstances of the case, etc.
- .11 In the event that an arrested subject becomes ill or injured before transporting to Headquarters or Central Booking, he shall be taken first to the hospital for medical treatment, and a report shall be filed regarding the cause of such injury or illness.

### 24.3 SEARCHING ARRESTED PERSONS

- .1 At the time of arrest, all arrested subjects shall be thoroughly searched for weapons, fruits and instrumentalities of crimes, evidence, and contraband, prior to transporting. The only exception to this would be if immediate removal of the detainee is required due to a volatile situation. The search shall be conducted AFTER the detainee is handcuffed. Upon arrival at Central Booking or Headquarters, the detainee shall be thoroughly searched again (refer to section 24.5).
- .2 Be systematic; follow a basic routine. Check the detainee's hat for small objects. Cover the crown, hatband, brim, and any trimmings. A headband or scarf should be examined as carefully as a hat. Hair can usually be checked without disarranging it seriously. Run your fingers through it, seeking lumps or sharp items. When the hair hangs down, have the detainee pull it up to let you examine the nape of the neck. If a wig is worn, check under the band. When you encounter bulges or sharp objects, remove the wig and go over it in detail.
- .3 The rib cage and the back can be checked from neck to waist by patting. Loose clothing should be searched by crushing and squeezing it with the hands. Pay careful attention to seams and areas such as collars and cuffs where the material is folded or sewn in two or more layers. Test the waistband by running your thumbs along it. Have the detainee raise his/her arms to expose the armpit. If his/her sleeves are at all loose, pat them--and do not neglect the undersides of the arms. When the sleeves are rolled up, make the detainee unroll them. Razor blades, keys, and narcotics may be hidden there. Cuffs are also used to hide such objects and should never be overlooked. Turn them inside out to make sure they are empty. Have the detainee spread his/her fingers while you examine both the back and palms of the hands.
- .4 Search the area between the belt and the body (the belt will be removed during booking). Hips and legs can be checked by patting and squeezing clothing. Search all pockets. Have the detainee remove all bandages. If he/she claims that they are needed, keep him/her under close observation until the bandages can be checked by a physician. Check to make sure that nothing is hidden in the detainee's shoes. High toppers and boots are a favorite place to keep such weapons as beer openers, ice picks, and razors. Check the inside of the watchbands for items such as razor blades and handcuff keys (the watch will be removed during booking). When the detainee wears gloves, remove and search them.
- .5 Handbags, backpacks, suitcases, or other similar containers deserve careful inspection. Wadded paper, Kleenex, matchbooks, cigarette packs, lipstick tubes, and the like often conceal weapons and contraband. If you suspect narcotics, run your fingers through the contents of cold cream jars and boxes of face powder.
- .6 Bras are favorite hiding places. Have the detainee unhook her bra and lean forward. This will let concealed items fall to her waistband where they can be felt without removing her clothing.

- .7 When it is apparent that a complete strip search is necessary in order to determine the suspected location of contraband or evidence, an officer of the same gender will be used. If none are on duty, one will be called in. In all cases, complete strip searches should be conducted in such a manner as to protect the right and dignity of the arrestee.
- .8 When it is necessary to conduct searches of detainees of the opposite gender, officers should use the back of the hand or an object such as an ink pen or baton to feel for objects. Clothing can be held tight against the body to reveal outlines of objects. Normally, only male officers will search the crotch area of male detainees, and female officers will search the crotch and breast area of females. However, in the event an officer has a specific and articulable belief that the detainee has a weapon, the officer may secure that weapon regardless of the detainee's gender. An officer's safety will supersede a detainee's potential embarrassment.
- .9 When the suspect is accompanied by a baby, it pays to check its blankets and diapers. Often they are used for a hiding place. Watch out for this one! Plenty of unwary officers have been taken in by it. If a woman asks to go to the bathroom, tell her she must wait until she has been searched. If you give her permission, your evidence may go down the drain—literally! And if she complains that she is going to be sick, say that she can use a scrap basket. She cannot get rid of evidence there.

#### 24.4 CHARGING DOCUMENTS FOR WARRANTLESS ARRESTS:

- .1 The Maryland Uniform Criminal Citation (DC/CR 45) is used as the charging document for warrantless arrests of adults for specific criminal offenses under circumstances defined in the Criminal Procedure Article §4-101. The content of CP §4-101 is summarized in this section. For all other circumstances involving warrantless criminal arrests, the Statement of Charges (DC/CR 2) and accompanying Statement of Probable Cause (DC/CR 4) are the charging documents.
- .2 Except as noted in section 24.4.6, as long as all the criteria described in the next section (24.4.3) are met, a police officer making a warrantless arrest **shall** charge by citation for:
  - any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;
  - any misdemeanor or local ordinance violation\* for which the maximum penalty of imprisonment is 90 days or less, except:
    - Failure to comply with a peace order under § 3–1508 of the courts article;
    - Failure to comply with a protective order under § 4–509 of the family law article;
    - Violation of a condition of pretrial or post-trial release while charged with a sexual crime against a minor under § 5–213.1 of this article;
    - Possession of an electronic control device after conviction of a drug felony or crime of violence under § 4–109(b) of the criminal law article;
    - Violation of an out-of-state domestic violence order under § 4–508.1 of the family law article; or
    - Abuse or neglect of an animal under §10–604 of the criminal law article; or
  - possession of 10 or more grams of marijuana\*\* under § 5–601 of the Criminal Law Article. If the charge is going to be possession of 10 or more grams of marijuana and all conditions listed in the next section exist, the officer must charge the defendant on a citation.

*\*Note: local ordinance violations refer to those that are misdemeanors, not municipal infractions. Municipal infractions are civil offenses charged on the DC28. The regulations described in this section do not apply to municipal infractions or the DC28.*

*\*\*For possession of less than 10 grams of marijuana, see section 24.11.*

- .3 All of the following criteria must be met in order for a police officers to charge a defendant by citation:
- the officer is satisfied with the defendant's evidence of identity;
  - the officer reasonably believes that the defendant will comply with the citation;
  - the officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;
  - the defendant is not subject to arrest for another criminal charge (i.e. one where the defendant cannot be charged by citation) arising out of the same incident\*\*; and
  - the defendant complies with all lawful orders by the officer.

*\*\*Note: If the defendant is going to be charged with multiple offenses that are eligible for citations and all the required conditions are met, citations must be used as the charging documents.*

- .4 If any of the above criteria are not met, or one of the offenses is not chargeable on a citation, the defendant will be charged on a statement of charges (DC/CR 2). The accompanying statement of probable cause (DC/CR 4) must state the reason the defendant was not charged on a criminal citation. This is to clarify for the court commissioner and State's Attorney's Office why a citation was not issued.
- .5 Officers charging a defendant by citation shall arrest the defendant and either
- transport the defendant to Central Booking for processing by Central Booking personnel (photographing, fingerprinting, validating identity, checking for active warrants, etc.); and
  - issue the citation, after which at which point the defendant shall be released;
- or,
- issue the citation, at which point the defendant shall be released without going to Central Booking; and
  - complete an investigative report (regardless of the offense).
- .6 While either option is available to the arresting officer, on occasion it may be more advisable to opt for the latter procedure, or to release the defendant and obtain a criminal summons at a later time. Some examples of situations where these options should be considered include:
- The actual or anticipated call for service load is exceptionally high compared to available staffing.
  - The defendant requires medical treatment which will excessively delay transport to Central Booking.
  - The defendant has voluntarily met with the officer to provide a statement.
  - The officer believes the subject will comply with the law and will not continue the behavior for which they are being cited.
- .7 If a defendant is released without being taken to Central Booking (to be charged by citation or criminal summons), the officer shall photograph the defendant and upload the photo though the Keystone Report Writer.

#### **24.5 TEMPORARY DETENTION OF ARRESTED PERSONS AT HPD**

- .1 While most adult arrests are transported directly to Central Booking, some arrestees may need to be held temporarily at HPD. Examples of scenarios where this could occur include the following:
- The arresting officer is busy with initial investigation tasks and will be delayed from going to Central Booking to complete the arrest process and paperwork.
  - A detainee who has already been to Central Booking or another detention facility is at HPD for questioning.
  - A wanted person is being brought to HPD for investigative purposes before going to Central Booking.
  - A person is charged with DUI and is being detained at HPD for breath testing and/or preparation of charging documents.
- .2 The arresting officer or other officer who has directed the temporary detention regardless of reason, shall ensure an Arrest/Transport report is completed and ensure the following information is included:

- Reason for the temporary detention.
  - Date and time arriving at HPD.
  - Date and time leaving.
  - Any meals provided during the detention
- .3 Policies and procedures for temporary detention are listed in Chapter 27 of HPD rules and regulations.

## 24.6 SPECIAL ARREST PROCEDURES

- .1 Mail Carrier, Bus Lines and Trains:  
Whenever any person, engaged in the delivery of United States Mail, or any person in charge of a public bus line vehicle, railroad engine, or train, shall be guilty of a minor misdemeanor, while so engaged, no arrest shall be made at the time. The officer will note the name of the defendant, the name of his employer, the number of the vehicle, and the defendant's badge number. The officer will notify the defendant to appear at Headquarters at such time as will permit him to be charged. The officer will also notify the defendant's employer of the facts and make a written report of the circumstances to his/her commanding officer. If the crime charged is a felony, or other serious offense, an arrest will be made immediately. In such case, the arresting officer shall permit the detainee to turn the mail and/or vehicle over to an authorized person, then take the detainee to Central Booking. If, for any reason, the defendant must be removed from the scene immediately, a guard must be placed at the vehicle until he can be relieved of his responsibility by an authorized person.
- .2 Military Personnel:  
In all cases in which a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard is arrested, the arresting officer will notify the Military Police of the arrest, and note same on the Arrest/Transport Report.
- .3 Personal Family Arrests:  
Members of the Department shall not (except in emergency) make arrests in their own quarrels or in those involving close relatives, associates, or neighbors. In such cases another unit should be summoned to take whatever action is necessary. The complaining officer should be available as a witness, or to assist, if needed, in event an arrest is made. An emergency is deemed to exist in cases in which an officer must make an immediate arrest to prevent injury to him/herself or another person, to prevent destruction of property, to prevent the commission of a felony or serious crime, or to prevent the escape of the guilty person.
- .4 Emergency Evaluations:  
.1 As pertains to law enforcement personnel, procedures for handling emergency evaluations may be found in the Health Articles-General, sections 10-620 to 10-624, and section 10-626. Those procedures are also summarized in section 62.8 of the HPD Rules and Regulations Manual.  
.2. When serving a petition for emergency evaluation, the officer will obtain an incident number from the dispatcher and write it on the petition. After serving the petition, the officer will forward the HPD copies to Records Unit for filing.  
.3 The serving officer will complete an investigative report anytime a Petition for Emergency Evaluation is served, regardless of origin.
- .5 Arrest Upon Telegram Or Teletype:  
.1 In such cases the officer requesting the arrest should be required to give definite and specific information as to the character of the offense and description of the party charged. If the crime alleged to have been committed is a felony, an officer is justified in making the arrest upon such telegraphic or teletypewriter information, upon the theory that he/she may arrest whenever he/she has reasonable grounds to suspect that a felony has been committed.  
.2 Felony - Misdemeanor offense - the officer will detain suspect and immediately notify Communication Center and have them confirm wanted status. If interstate, ascertain if extradition is authorized.

- .3 When wanted status is confirmed, require certified copy of the warrant be relayed as soon as possible.

## 24.7 EXEMPTIONS FROM ARREST

- .1 Law enforcement authorities of the United States must always treat foreign diplomatic and consular personnel with respect and with due regard for the privileges and immunities to which they are entitled under international law. However, appropriate caution on the part of law enforcement authorities should never escalate into a total "hands off" attitude in connection with criminal law enforcement actions involving diplomats.

Diplomatic immunity precludes arrest or detention, prosecution, entering of residences, or subpoena. However, reasonable constraints may be applied in emergency circumstances involving self-defense, public safety, or prevention of serious criminal acts. Further, allegations of serious crimes should be fully investigated to the maximum permissible extent. Diplomatic immunity applies only to diplomatic agents, members of their administrative and technical staff, and to recognized family members. Members of a diplomat's service staff, consular employees, and other lower level employees do not enjoy diplomatic immunity. When doubt exists regarding an individual's immunity, the Department of State Diplomatic Security Command Center can provide verification at 866-217-2089. Additional information can be found in the publication *Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities*, located in the Manuals folder on the shared drive.

- .2 No person belonging to the organized militia, shall be arrested on any process except such as may be issued by military authority, while going to, remaining at, or returning from any place at which he may be required to attend for military duty.
- .3 Article I, Section 6 of the United States Constitution states that United States senators and representatives shall, in all cases except treason, felony and breach of peace, be privileged 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.

OFFICERS SHOULD NOTE that the United States Supreme Court has construed the words "treason, felony, and breach of peace" to remove from the operation of the privilege all criminal offenses. Therefore, the immunity applies only to arrest in civil cases, which was a common procedure at the time of the Constitutional Convention. Senators and representatives are not immune from criminal arrest, including traffic citations. (Deschler's Precedents of the United States House of Representatives, Volume 2.)

- .4 This protection to members of Congress is given by the Constitution of the United States, and that of all members of the State Legislatures is generally secured to them by the Constitutions of the various states, or by the common law. (Voorhees, Paragraph 271.)
- .5 While the Constitution of the State of Maryland makes no provision to exempt the State Legislators from arrest, the common law prevails, which privileges them from arrest in civil cases while attending, going to, or returning from a session of their respective Houses. Article 3, Section 18 of the Constitution of Maryland does say that no Senator or Delegate shall be liable in any civil action, or criminal prosecution, for words spoken in debate.

## 24.8 RESERVED

**24.9 SHOPLIFTING POLICY:****.1 FELONIES**

- .1 Adults will be physically arrested and brought to Central Booking. Juveniles will be physically arrested and brought to Headquarters.
- .2 Officers will do charging documents and summons in all witnesses.
- .3 Adults will go to Commissioner.
- .4 Juveniles will be released to parent or guardian, or the Department of Juvenile Services (DJS) will be called for detention authorization.

**.2 MISDEMEANORS**

- .1 All suspects should be released at the store after their identity has been verified and given to store personnel, and after the suspect no longer possesses any stolen property. If identification cannot be verified, the suspect is to be taken into custody and charged by the responding officer.
  - .2 For adult suspects not taken into custody, the store will be responsible for obtaining charges through the District Court. For juveniles not taken into custody, the responding officer will complete a juvenile Arrest/Transport Report (i.e. "paper arrest") and take a digital photo of the suspect (see Chapter 52, section 52.4).
  - .3 If the juvenile is not present at the scene and the officer has reasonable grounds to believe that the juvenile committed the crime, the officer can contact the juvenile at a later date and still charge the juvenile.
- .3 All recovered property will be kept by the store and noted on the theft report. If the officer recovers the property and/or makes an arrest, a property report must be completed. The officer will mark property for court identification and have the security personnel sign for same. In all cases the store personnel will be advised to mark for identification and bring evidence to court with them and note same on report.
  - .4 In all cases where the officer physically arrests the suspect, and all juvenile paper arrests, a theft report will be completed. In cases involving adults not arrested by the officer, a theft report does not need to be completed.
  - .5 All adults not physically arrested are to be FI'd (photo included).

**24.10 ALTERNATIVES TO ARREST**

Officers may exercise discretion to the extent that an alternative to an arrest may be employed to resolve certain situations. Warnings, referrals, informal resolutions, and citations shall be considered the only departmentally approved alternatives to arrest. Alternatives to arrest must respect the rights of the parties involved, must accomplish a police purpose, and must follow departmental policy.

- .1 Referrals may be made to other departmental components, to other police or governmental agencies, to social services, or to other organizations better suited to address and to resolve the problem(s) identified in the field investigation.
- .2 An officer, at his/her discretion may offer informal resolutions to situations and conflicts when, in the officer's judgement, the informal resolutions can adequately solve such situations. Examples include informing the proper agency or organization, or advising parents of juvenile activity.
- .3 A warning may be issued by an officer when, in his/her discretionary judgement, it is the most reasonable alternative for the offender and violation.
- .4 The use of citations and warnings in cases of traffic violations is discussed in Chapter 17.
- .5 CRIMINAL CITATIONS: As noted in section 24.4, officers may issue criminal citations in lieu of arrest or continued custody.

**24.11 POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA (CIVIL OFFENSE)**

- .1 As of October 1, 2014, the possession of less than 10 grams of marijuana became a civil offense in this State (CL §5-601 (c)(2)(ii)). As of that date, the procedures in this section will be in effect.
- .2 Officers who encounter marijuana while in an enforcement capacity will use their training, knowledge, and experience to determine the weight.
- .3 If the officer reasonably believes the marijuana to be less than 10 grams (excluding packaging), the officer will seize the marijuana. Adults will be issued a civil citation (DC 28). Juveniles will be charged via paper arrest. Because this type of evidence will not be submitted for analysis (see 24.11.8) the charging officer will weigh the marijuana for court purposes before submitting it as evidence. If, after weighing, the officer determines the marijuana is 10 grams or more (excluding packaging) and the person has already been issued a civil citation, no further enforcement action will be taken.
- .4 If the officer reasonably believes the marijuana to be 10 grams or more (excluding packaging), he will seize the marijuana and arrest the person for the criminal offense. If the person is eligible for a criminal citation and the amount appears to be close to 10 grams, the officer should weigh the marijuana before the citation is served on the person, if practical. If, after weighing, the officer determines the marijuana was less than 10 grams (excluding packaging) and the person is in custody, the person will be issued a civil citation. If the person is not facing other criminal charges, the person will be released promptly. If the person is no longer in custody, the officer will notify the State's Attorney's Office as soon as practical so that a decision can be made regarding dismissal of the criminal charge. The officer will make a reasonable attempt to re-contact the person and issue a civil citation. If the officer is unable to contact the person, however, no further action will be required.
- .5 A person who possesses less than 10 grams of marijuana may still be charged with the criminal offense of possession with intent to distribute CDS should the facts and circumstances present probable cause for such a charge.
- .6 The option to prepay a fine, or the requirement to appear in court, is determined by the person's status as a subsequent offender. If an officer is able to determine that the person is a subsequent offender, the officer shall indicate the appropriate prepayment option or court appearance requirement as provided in CL §5-601.1

The prepay options and appearance requirements are:

- 1st Violation - \$50 Prepaid Fine.
- 2nd Violation - \$125 Prepaid Fine.
- 3rd or Subsequent Violation - Must Appear.
- Offender at least 18 but under 21 - Must Appear for all offenses.

The *maximum possible penalties*, which must also be indicated on the citation are:

- 1st Violation - \$100 Fine..
- 2nd Violation - \$250 Fine.
- 3rd or Subsequent Violation - \$500 Fine.

- .7 Officers are reminded that failure to sign a civil citation is not a crime and may not be cause to arrest the person. Rather, the officer will write "Refused to sign" on the signature line.
- .8 Marijuana seized from persons charged with possession of less than 10 grams may be field tested, but will not be submitted for laboratory analysis. The officer will testify to any field testing and to his/her training and experience.
- .9 Regardless of weight, all marijuana will still be seized and submitted as evidence per Chapter 19 of HPD Rules and Regulation Manual.

- .10 Searches:
  - .1 Positive K-9 alerts will continue to be sufficient probable cause to search vehicles for the presence of CDS.
  - .2 Probable cause searches for marijuana involving vehicles will be done in accordance with Chapter 18 of HPD Rules and Regulations and the Carroll Doctrine. Such searches can extend to both the vehicle and its occupants.
  - .3 Probable cause searches for marijuana of a person will only be conducted if they are the driver or a passenger in a vehicle. Persons who are not in a vehicle have a higher expectation of privacy and the Carroll Doctrine does not apply to them.
  - .4 When conducting probable cause searches for marijuana, officers should always articulate the reasons they believe the vehicle contains contraband or the fruits, instrumentalities or evidence of criminal activity.
  - .5 The search incident to arrest exception to the warrant requirement does not apply to the issuance of a Civil Citation.

#### **24.12 PROCESSING ADULT CRIMINAL VIOLATORS**

All adults arrested and charged for criminal violations are processed by Central Booking Personnel when they arrive at Central Booking. As noted in section 24.5, temporary detentions at the HPD Holding Facility shall be recorded and detailed on the Arrest/Transport Report. The arresting officer shall prepare the required charging documents.

#### **24.13 PROCESSING ADULT TRAFFIC VIOLATORS**

- .1 Adults arrested for alcohol-related traffic violations will be brought to the HPD Holding Facility and processed according to the procedures described in Chapter 26 of the HPD Rules and Regulations Manual. Exceptions may be made for detainees who are being too unruly for a breath test, in which case the detainee will be brought directly to Central Booking. Once all required procedures are complete, those who are not eligible to be released (as described in Chapter 26) will be transported to Central Booking for processing by Central Booking personnel.
- .2 If an adult is arrested for a non alcohol-related traffic offense and criminal offenses, he/she will be transported directly to Central Booking for processing by Central Booking personnel.

#### **24.14 PROCESSING JUVENILE VIOLATORS**

- .1 All juveniles taken into custody by officers of this Department for the commission of a crime or a delinquent act which would be a crime if committed by an adult shall be fingerprinted. Processing of all juveniles arrested, including those not taken into custody, will include photographs.
- .2 The processing officer will complete the following procedures when processing juvenile arrests:
  - .1 Complete a local and state fingerprint card only. The areas to be completed are the officer's signature, the juvenile's (suspect's) signature, and the current date.
  - .2 Take a front view photo of the arrestee. After the juvenile is fingerprinted and photographed, the processing officer will hand carry the completed Arrest/Transport Report and the fingerprint cards to the Records Unit. This is to be done as soon as possible so they may be submitted to the state within 72 hours of the arrest. If the Arrest/Transport Report cannot be completed due to insufficient information, the processing officer will hand carry a copy of the Arrest/Transport Report with the available information to the Records Unit as soon as possible. The original will be forwarded when it is completed.
- .3 Juvenile arrestees shall be processed in the location(s) specifically designated for juvenile detainee processing. Officers are reminded that juvenile detainees are to be separated from adult detainees by sight and sound, even during the booking process.

**24.15 EXTRA JURISDICTIONAL AUTHORITY**

- .1 Pursuant to Annotated Code of Maryland, Criminal Procedure Article §2-102 (related to extra-jurisdictional arrests), sworn officers of this Department are authorized to make arrests, conduct investigations, and otherwise enforce the laws of this State throughout the State without limitations as to jurisdiction under the following conditions:
  - .1 The Officer is participating in a joint investigation with officials from any other state, federal, or local law enforcement agency, at least one of which shall have local jurisdiction;
  - .2 The Officer is rendering assistance to a police officer;
  - .3 The Officer is acting at the request of a local police officer or a state police officer; or
  - .4 An emergency exists. Emergency is defined as a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of an individual from actual or threatened harm from an unlawful act.

NOTE: This section does not authorize a police officer who acts under the authority granted by this section to enforce the Maryland Vehicle Law beyond the police officer's sworn jurisdiction, unless the officer is acting under a mutual aid agreement authorized under CP §2-105 of the Annotated Code.

- .2 When acting under the authority granted in CP §2-102, the following notifications of an investigation or enforcement action shall be made:
  - .1 the chief of police, if any, or chief's designee, when in a municipal corporation; ,
  - .2 the Police Commissioner or Police Commissioner's designee, when in Baltimore City;
  - .3 the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;
  - .4 the sheriff or sheriff's designee, when in a county without a county police department;
  - .5 the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources;
  - .6 the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources;
  - .7 the chief of police of the Maryland Transportation Authority or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration;
  - .8 the chief of police of the Department of General Services or the chief's designee, when on property owned, leased, operated, managed, patrolled by, or under the control of the Department of General Services;
  - .9 the chief of police of the Maryland-National Capital Park and Planning Commission for the county in which the property is located, when on property owned, leased, or operated by or under the control of the Maryland-National Capital Park and Planning Commission;
  - .10 the Department of State Police barrack commander or commander's designee in all cases, unless there is an agreement otherwise with the Department of State Police.
- .3 When participating in a joint investigation with officials from any other state, federal, or local law enforcement agency, with at least one having local jurisdiction, the Officer shall make the notification indicated above within a reasonable time in advance.
- .4 Officers acting under the authority granted in CP §2-102 shall have all the immunities for liability and exemptions as that of a state police officer in addition to any other immunities and exemptions to which the police officer may otherwise be entitled.
- .5 Officers acting under the authority granted in CP §2-102 shall at all times or for all purposes remain an employee of this Department.
- .6 Officers acting under the authority granted in CP §2-102 shall notify his/her supervisor as soon as is practical, and shall report the facts on an Investigative Report.

**24.16 REQUIREMENTS PERTAINING TO DETENTION OF FOREIGN NATIONALS**

- .1 When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified. In some cases, the nearest consular officials must be notified of the arrest or detention of a foreign national, regardless of the national's wishes. Consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance.
- .2. Steps to Follow When a Foreign National is Arrested or Detained
  - .1 Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel document the foreign national travels.
  - .2 Go online and access the Consular Notification and Access page at the following web address: <http://travel.state.gov/content/travel/en/consularnotification.html>. There you will find several relevant links, including:
    - Countries and jurisdictions with mandatory notifications.
    - Consular notification statements and forms, with various language translations, for arrestee/detainee notifications.
    - Suggested fax sheets for notifying consular officers of arrest, detention, death, or serious injuries.
    - Phone numbers for foreign consular offices.
    - Department of State contact information.
  - .3 If the foreign national's country **is not** on the mandatory notification list, offer, without delay, to notify the foreign national's consular officials of the arrest/detention. Use the Consular Notification Statement for persons whose countries are exempt from mandatory notification. The statement can be found in a variety of languages on the above listed website. Print the form and have the person sign it. If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.
  - .4 If the foreign national's country is on the list of mandatory notification countries, notify that country's nearest consular officials, without delay, of the arrest/detention. Tell the foreign national that you are making this notification. Use the relevant Consular Notification Statement for persons from mandatory notification countries. Print the form and have the person sign it.
  - .5 Document the notification and actions taken in the investigative report. Forward the signed Consular Notification Statements to the Records Unit to be added to the case file.