

2.630 SICK OR INJURED ARRESTEES

(1.3.5, 70.3.1, 71.3.1.b)

- A. The directives on this topic are largely adapted from **Maryland's Model Guidelines for the Security of Prisoners for EMS and Hospital Settings 2008** developed in collaboration with Maryland Law Enforcement, Department of Corrections and the Maryland Hospital Association.
- B. Officers will ensure, to the best of their capabilities that arrestees receive necessary medical attention prior to arrest processing or promptly if a significant health problem occurs or is discovered during processing.
 - 1. Baltimore County 911 will be promptly called and EMS requested to render assistance if arrestees:
 - a. Become unconscious, pass out from alcohol or drug use, etc.;
 - b. Have obvious injuries;
 - c. Have ingested or secreted into their bodies any non-food or non-prescribed substances; or
 - d. Have or exhibit questionable health characteristics that may indicate the need for prompt evaluation or treatment.
 - 2. Officers will render aid to the extent of their emergency medical training and certification until relieved by EMS personnel.
 - 3. Commissioners will not conduct intake hearings, and the Bureau of Corrections (BOC) will not accept arrestees unless they have received any necessary medical treatments and these treatments are documented on medical release records.
- C. Arrestees that need medical treatment will be transported to appropriate medical facilities.
 - 1. The choice of medical facilities will be determined by EMS protocols if EMS units are providing transportation.
 - 2. The choice of medical facilities will be determined with agency supervisory approval if agency units are providing transport. Authorized facilities for medical treatment, in order of preference, are:
 - a. St. Joseph's Hospital;
 - b. GBMC; and
 - c. Other facilities as designated by EMS protocols.
- D. On-duty patrol supervisors will:
 - 1. Notify a commander or the Duty Officer who will determine what, if any, other notifications, including to arrestees' families, are appropriate; and
 - 2. Ensure officers attempt to photograph arrestees who are injured or allege injuries. Photographs may also be taken after arrestees have been cleaned up or treated.
- E. Arrestees who either have, or claim to have communicable diseases, but who do not appear to need emergency care, will be handled and transported consistent with standard procedures. However, they may be segregated from other arrestees as appropriate.

2.630.02 Security During Transport

- A. Officers will, absent extenuating circumstances, accompany arrestees in EMS vehicles, preferably in the back, to maintain arrestee security during transport.
- B. Consideration will be given to the situation and arrestees' medical conditions before applying restraining devices to arrestees.
 - 1. If possible, arrestees will have at least one leg and one arm secured to the stretcher with handcuffs, legs irons, or flex cuffs.
 - 2. Flex cuffs should be used only when other devices are unavailable or when requested by EMS personnel.
- C. Officers may follow EMS units if arrestees are physically secured in the units and EMS personnel and the on-duty patrol supervisor agree to this arrangement based on:
 - 1. Arrestee temperament;
 - 2. Arrestee mobility;

3. Arrestee propensity for escape; or
 4. Desires of EMS personnel.
- D. When arrestees are transported to medical facilities before being brought into the agency's temporary detention facility, officers will:
1. Search arrestees for weapons and contraband to the best extent possible under the circumstances;
 2. Search for further identification in the presence of officials at the receiving facility; and
 3. Record the names of any hospital employees witnessing the searches.

2.630.04 Security at Medical Facilities – Generally (70.3.2)

- A. Officers will remain armed at medical facilities, unless they are with arrestees in secure psychiatric units, in which case, officers will secure their weapons in provided weapons lockers.
1. Officers must be mindful of good gun retention practices and training to prevent arrestees from obtaining their handguns.
 2. Plain clothes officers must conspicuously display their badges, but avoid any unnecessary display of their handguns.
- B. Officers transporting arrestees to medical facilities will ensure facility security personnel are notified and aware of the situation and should seek assistance from those personnel as reasonable and prudent. If available, the hospital staff will be provided:
1. Arrestees' names;
 2. Any known special security concerns, such as assaults on police, escape or suicide attempts, gang membership, etc.;
 3. Any known health concerns; and
 4. Telephone contact information for the agency's patrol supervisor and Communications.
- C. At least one officer will be assigned to guard arrestees in emergency rooms.
- D. Generally, at medical facilities, officers will:
1. Ensure that arrestees' personal property is safeguarded;
 2. Prevent the loss or destruction of evidence;
 3. Obtain copies of signed medical summaries stating whether or not arrestees are well enough to be released to police and/or detention custody;
 4. Contact the on-duty patrol supervisor for advice when medical facility security procedures conflict with agency directives; and
 5. Be responsible for arrestees' security unless custody is formally transferred to allied agencies.

2.630.06 Hospitalized Arrestees (70.3.2)

- A. This agency is responsible for providing security details for hospitalized arrestees that have not had their initial commissioner hearings or been committed to the BOC.
- B. If arrestees are admitted to hospitals:
1. Officers will promptly notify the on-duty patrol supervisor of the hospitalization and assigned room number;
 2. On-duty patrol supervisors will contact a commander or the Duty Officer in order to determine whether to:
 - a. Release arrestees from custody and subsequently apply for charging documents;
 - b. Request District Court Commissioners respond to conduct initial hearings; or
 - c. Establish one or two officer security details to remain with arrestees until they are released from medical care.
- C. Any claims for medical payment against the agency or the university must be filed through Environmental Health and Safety to Maryland State Treasurer under provisions of the Maryland Tort Claims Act.
- D. The determination to establish one or two officer security details will be based on:
1. Consideration of hospital policy and agency staffing concerns; and

2. An ongoing risk assessment based on arrestees':
 - a. Actual or pending charges, such as murder, attempted murder, assault on a police officer, violent sexual assaults;
 - b. Prior escapes and suicidal tendencies; and
 - c. Arrestees' ongoing behavior and condition.
- E. The District Court Commissioner's Office will be contacted to arrange for off-site initial appearance hearings if the agency and the Office of the State's Attorney determine that charges will be filed immediately. In order to request Commissioners to conduct initial hearings in hospitals:
 1. Arrestees must be conscious and able to understand all aspects of initial appearance proceedings;
 2. Arresting officers must have completed all arrest related paper work;
 3. There must be some valid reasons why arresting officers cannot release arrestees from custody and subsequently apply for charging documents;
 4. The agency must be willing to provide transportation for Commissioners both to and from hospitals; and
 5. The Commissioner's office is then contacted and requested to conduct the hearing.
- F. BOC will be contacted to arrange for transfer of custody when commitments are issued for hospitalized arrestees.
- G. Officers will:
 1. Be in the full uniform of the day or, if in plain clothes, display their badges and agency ID cards in plain view;
 2. Take advantage of any holding areas provided by the hospital;
 3. Request hospital security to:
 - a. Provide one of their portable radios to be used in emergency situations;
 - b. Check by the location at least once an hour; and
 - c. Provide security assistance whenever the arrestee is moved;
 4. Search rooms and arrestees thoroughly, taking into consideration arrestees' conditions, before and after all room changes or movements within the hospital, and at shift changes;
 5. Stay alert at all times and not engage in activities that would distract them;
 6. Promptly contact the on-duty patrol supervisor:
 - a. When relief is required;
 - b. If hospital rules conflict with agency directives or good security practices so the conflicts can be resolved in consultation between the agency and the hospital;
 - c. And hospital security if it becomes necessary to deviate from arrestee security procedures;
 - d. About any breaches of security and how they were resolved; and
 - e. About any significant changes in arrestees' conditions;
 7. Maintain a running security log;
 8. Stay inside the arrestees' room at all times unless they are stationed immediately outside the room with direct line-of-site observation because physicians have determined that an officer presence would be medically detrimental to arrestees or officers;
 9. Allow only authorized visitors and medical facility personnel into the room;
 10. Notify hospital security and accompany arrestees during all movements within the hospital, ensuring arrestees are transported by gurney or wheel chair and restrained with plainly visible handcuffs or leg irons unless restraints are precluded for specific medical reasons;
 11. Assist and attempt to protect hospital staff if arrestees become violent or disruptive, being aware that the use of OC may have cross contamination and complicating effects in the hospital;
 12. Ensure arrestees in their hospital rooms have at least one arm and one leg restrained to the bed with handcuffs and leg irons at all times unless:
 - a. Restraints are precluded for specific medical reasons;
 - b. They are replaced with flex cuffs in critical care units, operating rooms, or other areas where the use of metal restraints conflicts with medical care; or

- c. Arrestees needing to use the restroom, but are not able or willing to use bedpans or urinals. In these cases, arrestees will use portable commode chairs that will be placed next to their beds. At least one arm must still be handcuffed to the bed and both legs secured together by leg irons;
13. Position themselves as instructed by medical staff in order to maintain direct line-of-site observation when arrestees are in operating rooms or other specialty care areas;
14. Ensure arrestees' meals do not pose security threats by:
 - a. Requesting meals that can be eaten without utensils where medically possible;
 - b. Allowing arrestees to eat only in their hospital rooms; and
 - c. Inspecting arrestees' meal trays to ensure that any paper products are accounted for, if utensils are present, only a spoon is provided and accounted for.
- H. Visitors will not be permitted to visit arrestees except in extraordinary circumstances.
 1. Visitors must first come to Police Headquarters and obtain written permission from a commander, in consultation with hospital staff, to visit arrestees.
 - a. Only arrestees' lawful spouses, parents, adult children, or attorneys may visit;
 - b. A wanted check will be conducted on each prospective visitor.
 2. Commanders who approve visits will ensure that the on-duty hospital detail officer is notified of the approved visits to include the dates, times, and persons approved for visits.
 3. Officers will:
 - a. Inform nursing staff and hospital security about any authorized visitors;
 - b. Positively identify all visitors by photo ID;
 - c. Have visitors sign in and out on the security log;
 - d. Allow only one adult visitor at a time for a maximum of 30 minutes unless otherwise approved by a commander for extenuating circumstances;
 - e. Search visitors and their belongings;
 - f. Allow items for arrestees such as newspapers, magazines, paperback books, or other safe items that have been thoroughly inspected.
 4. Visitors will not be permitted to:
 - a. Touch the arrestee for any reason;
 - b. Be within arm's reach of the arrestee;
 - c. Bring food or drink for themselves or the arrestee;
 - d. Hand anything to the arrestee;
 - e. Use the restroom in the arrestee's room; or
 - f. Bring into the room items that may conceal weapons or contraband.
- I. A telephone will be requested for the room and charged to the agency. Officers will:
 1. Inform the hospital switchboard that the arrestees is not allowed to receive incoming phone calls;
 2. Not release the phone number to anyone outside the agency;
 3. Answer any incoming phone calls;
 4. Place a reasonable number of outgoing phone calls on behalf of arrestees so long as the calls do not unduly interfere with security activities or compromise on-going investigations. Phone calls should not last longer than five minutes each;
 5. Stay in the immediate area of arrestees having phone conversations to ensure the calls do not unduly interfere with security activities or compromise on-going investigations; and
 6. Record information relating to phone calls, including phone numbers, persons called, and nature of the conversations in the security log.
- J. Before arrestees are to be released or discharged from hospitals, officers will:
 1. Ensure a commander is aware of the situation; and
 2. Notify hospital security and the unit's nursing staff before removing arrestees' restraints and officers leaving the hospital.

2.632 SPECIAL ARREST / CUSTODY SITUATIONS

2.632.02 Arrests on Warrants from Other Agencies

(1.2.5)

- A. Officers will ensure that warrants are confirmed by TTY and, for warrants held by other agencies, copies faxed to Communications.
1. For warrants held by this agency:
 - a. Arrestees will be fully processed consistent with **2.610 Arrest Processing - Generally**; and
 - b. Warrants or copies thereof must accompany arrestees to Commissioners.
 2. For warrants, body attachments, or other similar court orders issued by Maryland courts and stating “*may be seen in the county of arrest*” or “*bond may be posted in county of arrest,*” officers will:
 - a. Process arrestees fully consistent with **2.610 Arrest Processing – Generally**; and
 - b. Take copies of warrants and TTY warrant confirmations with the arrestees to their initial commissioner hearings.
 3. For warrants that order subjects not be released or be processed and presented by other agencies, officers will:
 - a. Work with their supervisors, an on-duty commander or the Duty Officer to coordinate response to the situation; and
 - b. Unless arrestees are also being separately charged by this agency, not conduct routine processing.
 - (1) Do not photograph, fingerprint, issue arrest numbers, or criminally debrief these arrestees.
 - (2) Complete Detainee Screening & Property Records only if these arrestees are brought into the holding facility.
 4. For extraditable warrants held by out-of-state agencies, officers must:
 - a. Obtain printed confirmation that warrants exist and that out-of-state agencies will pursue extradition;
 - b. Notify the Office of the State’s Attorney (OSA) for assistance before taking arrestees to Commissioners;
 - c. Process these arrestees fully consistent with **2.610 Arrest Processing - Generally**; and
 - d. Take copies of warrants and TTY warrant confirmations with the arrestees to Commissioner presentments.
- B. Officers will assist officers from allied agencies who present warrants or charging documents for persons within this agency’s jurisdiction.
- C. Officers will write reports when they serve warrants from other agencies. Reports must contain:
1. Why officers initially contacted arrestees;
 2. Warrant numbers and charges;
 3. Bail/release determinations made by court commissioners;
 4. Names, ID numbers, and agencies of personnel receiving arrestees; and
 5. Date and time custody is transferred.

2.632.04 Incorrect Warrant or Service

- A. Officers will promptly investigate claims of incorrect warrants due to mistaken identity, warrants already served, etc.
- B. Steps that may be taken to investigate claims of incorrect warrant service include, but are not limited to:
1. Verifying the individuals’ identities through photos, fingerprints, etc.;
 2. Contacting the issuing jurisdictions and/or clerks of the court to verify the status of warrants; and
 3. Contacting the respective OSA or prosecutorial authorities.
- C. Officers who substantiate claims of incorrect warrant service will:

1. Notify the on-duty patrol supervisor;
2. Ensure an on-duty commander or the Duty Officer is notified;
3. Ensure the OSA is contacted to provide advice, consultation, and appropriate action for the disposition and release of the individuals; and
4. Complete required reports.

2.632.06 Citizen Warrant Inquiries / Information

Officers who are approached by citizens requesting information about warrants for themselves will verify the citizens' identity, obtain wanted checks, and proceed accordingly.

2.632.08 Bench Warrants

People taken into custody on bench warrants will be brought to Headquarters, processed fully, and taken before commissioners, unless warrant instructions require immediate appearance before a specified court.

2.632.10 Body Attachments

- A. Body attachments labeled "Attachment for Contempt" are civil documents. These arrestees will not be processed as criminal arrests unless criminal charges are being placed by this agency.
- B. Individuals being taken into custody solely on body attachments who resist apprehension will not be charged with resisting arrest, but may be charged with assault or other appropriate charges.
- C. Civil body attachments are served by the Sheriff's Office. Officers taking persons into custody on civil body attachments will ensure the Sheriff's Office is contacted and requested to respond and take custody of the arrestee. To verify body attachments phone:
 1. The Sheriff's Office Monday through Friday, 0830 – 2300; or
 2. The Baltimore County Police Central Records at all other times.
- D. Officers will fully process persons taken into custody on body attachments consistent with **2.632.02 Arrests on Warrants from Other Agencies**.

2.632.12 Juvenile Writs of Attachment

- A. All juvenile writs of attachment obtained in Baltimore County are submitted to the Sheriff's Office for service.
- B. NCIC queries can determine if there are outstanding juvenile writs of attachment.
- C. To verify local juvenile writs of attachment phone:
 1. The Sheriff's Office Monday through Friday, 0830 – 2300; or
 2. The Baltimore County Police Central Records at all other times.
- D. Juveniles with verified writs of attachment will be taken into custody and brought to Headquarters and will be processed as any other juvenile arrest.
 1. Case numbers and arrest numbers will be obtained. Incident reports will be written.
 2. Agencies holding juvenile writs of attachment are to respond to take custody of the juveniles.
 3. Officers may, with supervisory and commander approval, transport juveniles to detention or shelter facilities as directed by the Department of Juvenile Services (DJS) if the juveniles are being served under the provisions of the Interstate Compact on Juveniles.
- E. Officers will contact the 911 Center to request an on-duty DJS intake officer be notified to provide assistance if it appears that agencies holding juvenile writs cannot respond and take custody of the juveniles within the federally mandated six hours maximum detention time.
- F. Custodial writs obtained by parents / guardians of juveniles give officers the authority to enter other jurisdictions within Maryland and, when accompanied by representatives of agencies with local jurisdiction, apprehend the subject juveniles.

2.632.14 Petition for Custody, Interrogation, & Arrest of a Juvenile

- A. Petitions for custody, interrogation, and arrest are used to bring juveniles from other jurisdictions within the state when a court order is required or to obtain custody of juveniles who are being held at detention facilities. These petitions are not charging documents and will not be used to circumvent ordinary juvenile charging procedures.
- B. Serving these petitions requires obtaining case numbers and completing agency reports. Arrest numbers will not be obtained unless this agency arrests the juvenile as a result of the interrogation. Detainee Screening & Property Records will be completed if the juveniles are brought into the holding facility.
- C. Officers will complete **Confidential Investigative Notes (UPO.034.D)** to request supervisory approval to apply for petitions. If requests are approved, officers will arrange to meet with representatives from the OSA, Juvenile Division in order to obtain the petitions.
- D. Petitions:
 - 1. Have indefinite life spans;
 - 2. Are not entered into NCIC; and
 - 3. Will be tracked and maintained consistent with **2.421 Legal Process**.
- E. Officers will make extension requests through their chain of command to their bureau commanders if juveniles named in the petitions are not apprehended within 15 days after petitions are issued and officers believe that it would be beneficial to hold the petitions longer.
 - 1. Commanders approving extensions will notify the OSA, Juvenile Division of the extensions.
 - 2. Petitions not approved for extensions or that remain unserved at the end of extension periods will be returned by the legal process coordinator to the OSA, Juvenile Division for destruction.

2.632.16 Arrestees Accompanied by Minor Children

(41.3.3)

- A. Officers will attempt to locate persons to take custody of minor children that are in the company of arrestees prior to the arrestees being transported for processing. Persons accepting custody of minor children must be:
 - 1. Designated in writing by arrestees;
 - 2. Parents or legal guardians of the children after proof of identity have been verified;
 - 3. Officials from the Department of Juvenile Services;
 - 4. Representatives from the Baltimore County Department of Child Protective Services; or
 - 5. Representatives of allied law enforcement agencies assuming custody of arrestees and the children.
- B. Minor children will:
 - 1. Not be allowed to stay in the company of detained adults; and
 - 2. Be transported to Police Headquarters separately from detained adults.
- C. Officers will promptly notify the on-duty patrol supervisor when arrestees are accompanied by minor children who are not arrested and not placed in the care of parents, legal guardians, or allied agencies.
 - 1. The on-duty patrol supervisor is responsible for assigning an officer to supervise the minor children in the agency's care until more appropriate caretakers are identified and accept custody of the children.
 - 2. The order of preference for placing minor children with others is:
 - a. Parents;
 - b. Guardians;
 - c. The Department of Juvenile Services; and
 - d. The Baltimore County Department of Child Protective Services.
 - 3. Officers supervising the minor children are responsible for ensuring the safety and well-being of the children and attending to the needs of the children, and attempting to locate responsible parties to accept custody of the children.

4. Minor children will not be placed in the processing facility, cells, or interrogation room unless they have been arrested for crimes.
- D. Children will be transported in compliance with child safety seat statutes contained in **TR 22-412.2** unless otherwise precluded by *bona fide* exigent or emergency circumstances.

2.632.18 Deserters and Military Personnel

(1.2.1)

- A. Officers arresting military or civilian members of the US Army, Navy, Air Force, Marine Corps, Coast Guard or Department of Defense will ensure the military police at Fort George Meade is notified.
- B. Consistent with **10 USC Sec. 808**, Uniform Code of Military Justice officers have the authority to apprehend and arrest deserters, etc. from the armed forces and deliver them to those forces.
 1. Armed forces AWOL or deserter status can be determined by having Communications run wanted checks through NCIC. Communications will ensure verification checks and notifications are made consistent with NCIC protocols and/or instructions on related NCIC hits.
 2. Once deserter status has been verified, arresting officers will take steps to ensure they are transferred to the custody of military authorities by:
 - a. Transporting deserters, upon approval by the on-duty patrol supervisor to destinations requested by military authorities; or
 - b. Placing deserters in the agency's holding facility pending pick-up by military authorities.
 3. The Baltimore County Bureau of Corrections (BOC) will not accept arrestees wanted only for desertion.
 4. Case numbers and arrest numbers will be obtained. Incident reports will be written.
 5. Neither the agency nor its employees will accept any funds authorized for payment by military authorities consistent with **10 USC 956** for apprehending and delivering deserters.

2.632.20 Governmental Employees

- A. Officers arresting employees who are driving vehicles belonging to their governmental employers will promptly notify their on-duty supervisors of the incidents.
- B. Supervisors are responsible for:
 1. Ensuring the governmental agency is promptly notified and, unless vehicles are required for evidentiary purposes, requested to respond to take custody of the vehicles; and
 2. Ensuring the vehicles are not left unattended if government representatives can respond to take custody of the vehicles within a reasonable amount of time; or
 3. Ensuring the vehicles are removed for safekeeping or evidence processing consistent with **2.434 Towing and Impounding**.

2.632.22 Handicapped/Disabled Persons

- A. All medical equipment required by arrestees will be transported with them to processing, medical treatment, District Court, and detention facilities as necessary and appropriate.
- B. Officers conducting commissioner presentments of handicapped or disabled individuals will ensure the BOC is notified when those individuals are to be held on bail/bond. The information to be given to BOC is:
 1. Arrestee's name;
 2. Charges;
 3. Bail amount; and
 4. Physical condition and disability.

2.632.24 Law Enforcement/ Criminal Justice Agency Personnel

- A. Officers arresting members of other law enforcement or criminal justice agencies (e.g., department of corrections, parole and probation, etc.) will promptly notify their on-duty supervisors of the incidents.
- B. Supervisors are responsible for promptly notifying:
 - 1. The respective law enforcement or criminal justice agencies; and
 - 2. Their respective bureau commander during normal business hours; or
 - 3. The Duty Officer during non-business hours;
- C. See also **2.412 Domestic Violence**.

2.632.26 Utility or Private Sector Employees With Company Vehicles

- A. Officers arresting employees who are driving vehicles belonging to their employers will promptly notify their on-duty supervisors of the incidents. Of particular interest are those vehicles belonging to:
 - 1. Utilities such as BG&E, Verizon, Comcast, etc.;
 - 2. Vendors delivering products to clients, such as beverage companies;
 - 3. Professional trades, such as plumbers, electricians, HVAC, etc.; or
 - 4. Other commerce related vehicles containing substantial supplies of goods or equipment.
- B. Supervisors are responsible for:
 - 1. Ensuring the business entities are promptly notified and, unless vehicles are required for evidentiary purposes, requested to respond to take custody of the vehicles; and
 - 2. Ensuring the vehicles are not left unattended if company representatives can respond to take custody of the vehicles within a reasonable amount of time; or
 - 3. Ensuring the vehicles are removed for safekeeping or evidence processing consistent with **2.434 Towing and Impounding**.

2.632.28 Letter Carriers (US Postal Service)

- A. Individuals arrested while actively transporting or engaged in the delivery of US Mail will generally be permitted to turn the mail and/or vehicles over to representatives of the Postal Service prior to being transported from arrest scenes.
- B. Officers arresting Postal Service employees or contractors who are driving Postal Service vehicles or vehicles containing US Mail will promptly notify their on-duty supervisors of the incidents.
- C. Supervisors will:
 - 1. Ensure the Postal Service is promptly notified and, unless vehicles are required for evidentiary purposes, requested to respond to take custody of the vehicles; and
 - 2. Ensure the vehicles are not left unattended if Postal Service representatives can respond to take custody of the vehicles within a reasonable amount of time; or
 - 3. Ensure the vehicles are removed for safekeeping or evidence processing consistent with **2.434 Towing and Impounding**.

