



# ARRESTS

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## **I. POLICY & PROCEDURES**

Police officers of this Department will adhere to the following policies in the discharge of their duties as law enforcement officers.

- A. An arrest must never be made because the officer feels that his/her dignity was impaired by derogatory remarks by a citizen. An officer must feel immune to attempts to belittle his/her office. Every arrest will be made on the basis of a valid arrest warrant or on the existence of probable cause, pursuant to the provisions of the law.
- B. Whenever a member of the Department has occasion to call to the attention of a citizen a violation of the law, he/she will do so in a manner which will not cause resentment and should explain the reason for the 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 arrests should not be made in such cases unless the violations are willful, flagrant, or serious.
- C. The arresting officer will inform the arrestee of the reason(s) for the arrest. A plainclothes officer must always identify himself/herself when making an arrest.
- D. In effecting an arrest, force will be used only when necessary to assure the custody of the prisoner or to overcome any resistance that may be offered. Officers are not permitted to strike a prisoner who merely holds back, and is not otherwise resisting arrest. Officers must always maintain control of their tempers and never allow themselves to be provoked by rude or uncivil language.
- E. After an officer has made an arrest, he/she will deliver the accused to the appropriate Police Department facility as soon as possible.

## **II. PRECAUTIONARY MEASURES**

In making an arrest, the officer must use caution regarding his/her own safety and the security of the prisoner. The following rules will be observed when an arrest is made:

- A. Guard against carelessness when making an arrest: watch the prisoner's every move. Be alert: treat every case individually. Assume every prisoner is waiting the opportunity to escape. Never underestimate the person arrested. The most harmless appearing may be the most dangerous.

- B. A pat-down search of the prisoner will be made at the scene of each arrest. Always consider the possibility of the prisoner being armed: take no chances even after the prisoner has been carefully searched.
- C. Keep the prisoner in front of you at all times; never allow the prisoner to stand behind you or at your side.
- D. Take command of the situation. Do not antagonize or handle the prisoner with unnecessary roughness. Avoid unnecessary conversation with a prisoner, give orders with authority, briefly and clearly.
- E. All prisoners will be handcuffed with their arms behind their backs, unless a physical handicap or disability prevents this action. In such cases, the prisoner's arms will be restrained with handcuffs as best as possible under the circumstances.
- F. Prevent the prisoner from putting his/her hands in the pockets at any time. The prisoner should be warned against doing this immediately upon arrest. Even the most innocent object may be used as an offensive weapon by a prisoner. When deemed appropriate, officers who have been trained in the use of waist chains may use this type of restraint with handcuffs and/or leg irons to limit the mobility of hands and feet.
- G. Always obtain assistance to effect the arrest of an armed or dangerous criminal.

### **III. RELEASE WITHOUT CHARGES**

If a person is arrested on probable cause and further investigation reveals that sufficient probable cause no longer exists, or a person was arrested, booked, and released without charges pending further investigation, a supervisor will be immediately notified. The supervisor will make a determination to release the suspect based on available information.

When an arrestee is released without charges, a detailed report of the arrest will be completed by the arresting officer. The arresting officer will also ensure that the cell log is properly denoted with "RWOC." The focus of the report will be on the events that comprised the probable cause for the arrest. A supervisor with the rank of Lieutenant or above will ensure that PD Form 2001 is completed in all cases, and forwarded to the Central Records Section Manager within three (3) days. Central Records will coordinate the proper handling (retention and disposal) of department records related to the detention and other booking processes.

Maryland Code, Criminal Procedure, Title 10, Subtitle 1, §10-103 mandates..."a person who is arrested or confined by a law enforcement unit and then is released without being charged with the commission of a crime is entitled to expungement of all police records, including photographs and fingerprints, relating to the matter..."

### **IV. ARRESTS - WITHOUT WARRANT FOR MOTOR VEHICLE VIOLATIONS**

Law enforcement officers are authorized to arrest without a warrant persons who violate certain sections of the Maryland Vehicle Law. Refer to Transportation Article, Section 26-202, Power of Arrest. A copy of the Maryland Vehicle Law is issued to every sworn officer of this Department once a year. Therefore, Section 26-202 will not be reprinted here. All sworn officers of this Department are required to thoroughly familiarize themselves with the contents of Section 26-202.

### **V. ARRESTS - MULTIPLE CRIMES**

When a defendant is arrested for a series of crimes committed in more than one district, all such charges will be processed in any one of the districts in which any one of the crimes was committed, so that one judge may dispose of all offenses charged against the prisoner. If an arrest for a series of crimes is made in a patrol district having no complaint against a defendant, the prisoner should be charged in the district having the greatest number of complaints.

### **VI. ARRESTS – MEMBERS OF THE ARMED FORCES**

In all cases in which a member of any branch of the armed forces of the United States is arrested, and the officer learns the branch or assignment of the arrested person, the arresting officer will notify the duty officer (DO) of the arrested person's military installation, ship or base.

**VII. HANDCUFFING WITHOUT FULL-CUSTODY ARREST**

*The use of handcuffs is generally restricted to instances where a crime has occurred, or an officer has probable cause to believe a crime has occurred, and a full-custody arrest takes place. When an officer has articulable suspicion that an individual is involved in criminal activity or for officer/public safety, however, the officer may use handcuffs to briefly detain an individual for questioning without making a full-custody arrest. When feasible, prior to or during handcuffing, the officer should explain to the subject that they are only being detained for officer safety, public safety, etc., while the incident is being investigated. Handcuffing alone does not constitute an arrest. Instead, the following factors determine arrest status:*

- A. Length of the detention*
- B. Investigative activities during the detention*
- C. Whether the suspect is removed to a detention area or interrogation area*

*When investigative measures fail to establish probable cause for an arrest, the officer shall immediately remove the handcuffs. The officer shall provide persons who are handcuffed, but not arrested, an explanation for the handcuffing. Handcuff and release incidents shall be thoroughly documented on a Field Interview Report (FIR), including the purpose for handcuffing, unless an incident report is written for any other reason. If an incident report is being written, the purpose for handcuffing will be described within the report.*

**VIII. RELATED DIRECTIVES**

Additional information on arrests and prisoners appears in the following written directives or issued material:

- Index Code 105.1
- Index Code 105.2
- Index Code 2001.1
- Index Code 2003

Digest of Criminal Laws - Every sworn officer is issued an updated copy of the Digest of Criminal Laws once a year.

- IX. PROPONENT UNIT:** Training Academy.
- X. CANCELLATION:** This directive cancels Index Code 2001, dated 07-19-10.