



ARRESTS

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I. PURPOSE

It is the policy of the Anne Arundel County Police Department that officers may only arrest persons on the basis of a valid arrest warrant or upon the existence of probable cause to believe that person committed an offense for which the law grants police officers the authority to make an arrest.

II. AUTHORITY TO MAKE ARRESTS

Officers may only make arrests consistent with applicable law.

See Index Code 105.1 (Legally Mandated Authority).

III. ARREST PROCEDURES

- 1. The arresting officer is responsible for informing their arrestee of the reason for the arrest.***
- 2. Officers making arrests in plainclothes must identify themselves to their arrestee either before, or as soon as practical after, making an arrest.***
- 3. Officers may only use force in compliance with applicable department policies when making arrests.***
- 4. Searches Incident to Arrest - See also: Index Code 1621 (Search & Seizure) and Index Code 2003 (Transportation of Prisoners).***
 - a. Officers must search their arrestee's person immediately, or as soon as practical, after making an arrest. Such searches must be in compliance with the limitations of applicable law. Strip searches may only be conducted in compliance with applicable law and policy. (See Index Code 2003: Prisoner Transportation)***
 - b. Officers may search the area within the immediate control of an arrestee in compliance with the limitations of applicable law.***
 - c. Officers may search a vehicle of which an arrestee was a recent occupant, in compliance with the limitations of applicable law.***
 - d. Officers receiving custody of an arrestee are responsible for ensuring that the arrestee's person has been searched.***

- e. Officers transporting an arrestee by vehicle must search the arrestee's person prior to such transport.*
5. *Arresting officers are responsible for ensuring that appropriate checks are made to discover any open arrest warrants for their arrestee.*
6. *Arresting officers are responsible for ensuring that arrestees are transported to the appropriate police department facility, the Central Holding and Processing Center, an appropriate juvenile detention center, or to another law enforcement agency's sworn personnel, as appropriate for the circumstances.*
7. *All officers must comply with the applicable rules at any detention or holding center to where a prisoner is transported. See Index Code 2004 (Temporary Detention Area Procedures).*
8. *Arresting officers are responsible for ensuring that charges are filed and arrestees are served with such charges within the time limitations imposed by law.*

IV. OFFICER DISCRETION & ALTERNATIVES TO ARRESTS

See Index Code 105.2 (Police Discretion and Alternatives to Arrest).

V. RELEASE WITHOUT CHARGES

A person who is arrested may, under certain circumstances, be released without charges. These circumstances include, but may not be limited to: situations where probable cause for charges no longer exists, an arrest warrant is unable to be served, or the arrestee is released pending further investigation. When an arrestee is released without charges, the following procedures must be followed:

1. *The arresting officer must notify a supervisor.*
2. *The details of the arrest and release must be included in an incident/offense report completed by the arresting officer, investigating officer, or another officer as assigned by a supervisor.*
3. *If the person was transported to the Central Holding and Processing Center (CHPC) or issued any charging document(s), the arresting officer must ensure the completion of a PD Form 2001.*
 - a. *If the arrestee was transported to the Central Holding and Processing Center (CHPC), a copy must be provided to the CHPC immediately.*
 - b. *The completed form must be forwarded to the Central Records Section Manager.*
 - c. *The Central Records Section, upon receipt of a PD Form 2001, must ensure compliance with Maryland Criminal Procedure Article § 10-103.1 which requires the expungement of police records of persons arrested and released without charges.*

VI. ARRESTS - MULTIPLE CRIMES

Platoon commanders are responsible for ensuring that persons arrested for a series of crimes occurring in multiple police districts are charged in the most appropriate district on a single charging document to consolidate charging on a single court case.

VII. ARRESTS OF 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, the arresting officer must make a reasonable attempt to notify the duty officer of the arrested person's military installation, ship, or base. This notification must include the identity of the arrestee and the applicable police incident/offense report number.

VIII. ARRESTS OF JUVENILES

See Index Code 1702 (Arrest & Custody of Juveniles)

IX. ARRESTS OF DIPLOMATS

See Index Code 2001.1 (Diplomatic Immunity).

X. ARRESTS OF FOREIGN NATIONALS

See Index Code 2001.2 (Foreign Nationals & Consular Notification).

XI. HANDCUFFING WITHOUT ARREST

Officers may handcuff a subject in any of the following circumstances:

1. *There is probable cause to arrest the subject for the commission of a crime*
2. *There is reasonable articulable suspicion to believe the subject is involved in criminal activity and the subject is a flight risk.*

3. *There is reasonable articulable suspicion to believe the subject is involved in criminal activity and the circumstances indicate that the subject presents a safety threat.*

In circumstances when a subject is handcuffed based upon reasonable articulable suspicion and the subject is either a flight risk or presents a safety threat, officers must release the subject from handcuffs if a reasonable investigation is unable to establish probable cause for an arrest. In such circumstances, the involved officers are responsible for ensuring that a field interview report or incident/offense report is completed which documents the purpose for handcuffing the subject.

XII. PROPONENT UNIT: Training Division.

XIII. CANCELLATION: This directive cancels Index Code 2001, dated **08-29-22**.