

## **2.600 ARREST PROCEDURES (1.2.5)**

### **2.602 SEARCHING ARRESTEES (70.1.1, 71.3.1.b)**

#### **A. Officers:**

1. Conducting searches are responsible for discovering and removing from arrestees all contraband, evidence, weapons, and items that could cause harm to self or others, damage property, or facilitate escape;
2. Will search arrestees who come into their custody, regardless of whether they have been previously searched.

#### **B. Arresting officers will ensure:**

1. Arrestees are searched before being transported;
2. Secondary searches are conducted by different than arresting or transporting officers of all arrestees brought into agency facilities regardless of the nature of pending charges; and
3. THE NAMES OF OFFICERS WHO CONDUCTED SEARCHES ARE CONTAINED IN RELATED POLICE REPORTS.

#### **2.602.02 Search by Officers of the Same Sex**

##### **A. Officers of the same sex as arrestees will search them unless circumstances dictate otherwise, such as when:**

1. Arrestees are likely to be armed;
2. Delaying searches may result in destruction or loss of evidence; or
3. Same sex officers are not available from this or allied agencies in a reasonable amount of time.

##### **B. Officers searching opposite sex arrestees will:**

1. If practical, have at least one witness present that is an officer from this or an allied agency or a non-sworn, full-time employee of this agency; and
2. Use the back or blade of the hand to initially search the chest, buttocks, and genital area.

#### **2.602.04 Strip Searches (1.2.8)**

##### **A. Strip searches are the removal or rearrangement of clothing caused at the direction of police officers which permits visual inspections of arrestees' genitals, buttocks, anus, female breasts, or undergarments.**

##### **B. Strip searches will be conducted only in rare circumstances and with the approval of a commander based on reasonable articulable suspicion or probable cause that arrestees are secreting weapons, implements of escape, contraband, and fruits of crime, or evidence that can be found and recovered only by strip searches.**

1. The on-duty patrol supervisor may approve strip searches in exigent circumstances when a commander or Duty Officer cannot be contacted in a reasonable amount of time.
2. Factors to be considered in deciding whether or not to approve strip searches include, but are not limited to:
  - a. The types of crimes committed;
  - b. Circumstances surrounding arrests;
  - c. Prior arrest records, especially for crimes involving violence, drugs, or weapons;
  - d. The discovery of evidence of a major offense in plain view or in the course of searches incident to arrest;
  - e. Detection of weapons or contraband beneath arrestees' clothing during field searches incident to arrest; and
  - f. The specific factors that make officers believe that items are concealed somewhere on the arrestees' body.

##### **C. Strip searches will not be conducted in place of, or before, exterior body pat downs and searches.**

##### **D. Strip searches of suspects who are detained but are not under arrest will be conducted only after obtaining supervisory or command approval: and**

1. After obtaining search warrants or written consent from suspects; or
  2. With probable cause in exigent circumstances.
- E. Strip searches will be conducted:
1. In secure areas that are preferably in agency facilities, such as in a cell in the processing facility;
  2. By officers of the same gender;
  3. Only by the number of officers necessary to accomplish searches;
  4. Out of the view of persons not directly involved in conducting searches;
  5. Without officers touching arrestees' bodies except for safety and control purposes;
  6. To ensure that the persons will not be unclothed longer than necessary to conduct the searches.
- F. Strip searches will not be photographed or video monitored or recorded. Officers conducting strip searches in the processing facility will ensure the CCTV feed to the particular room where searches will take place is not being recorded or visible to anyone. Officers will verify this fact by radio queries to, and acknowledgement from, Communications. Similar verification will be conducted to ensure the CCTV feed is turned on after strip searches are conducted.
- G. Officers conducting strip searches will:
1. Tell the persons being searched to:
    - a. Remove their clothing;
    - b. Raise their arms above their head & rotate their body around 360 degrees;
    - c. Bend forward & run their fingers through their hair;
    - d. Turn their head first to one side and then the other so their ears can be inspected;
    - e. Open their mouth & run a finger over their upper and lower gum areas, then raise their tongues so officers can inspect the interior of their mouths. Remove dentures if applicable;
    - f. Face away from searching officers and lift up one foot, then the other to show the bottom of their feet to searching officers;
  2. Visually inspect arrestees' breasts, buttocks, and genitalia, instructing arrestees to spread any deeply folded body areas;
  3. Thoroughly search arrestees' clothing, underclothing, shoes, and socks; and
  4. Tell the person to dress after searches are completed.
- H. Primary officers involved in strip searches will ensure their related reports contain information that includes, but is not limited to:
1. Facts and circumstances leading to the necessity of strip searches being conducted;
  2. Names of officers approving, conducting, and witnessing strip searches;
  3. Dates, times, & locations searches were conducted; and
  4. Search results.

#### **2.602.06 Body Cavity Searches (1.2.8)**

- A. Body cavity searches involve physical intrusions into arrestees' mouths, stomachs, rectal, or vaginal cavities.
1. Mouths are the only body cavities that may be searched without search warrants. Reasonable force, but no choking, may be used to prevent objects from being swallowed when officers have probable cause to believe that detainees are concealing something in their mouths.
  2. Uses of emetics or stomach pumps are considered body cavity searches.
  3. Uses of X-rays to determine if individuals have swallowed objects of evidentiary value are considered body cavity searches.
- B. Body cavity searches, excluding mouth searches, for secreted weapons, implements of crimes, contraband, fruits of crime, or evidence that is discoverable or recoverable only by body cavity searches will be conducted only with approval of a commander and under the authority of search warrants. Commanders who grant permission to obtain search warrants will complete supplemental reports describing those factors and circumstances that lead to their decisions.

- C. Factors to be considered in determining body cavity search approvals include, but are not limited to:
  - 1. Threats to life or safety posed by proposed procedures;
  - 2. The extent of contemplated intrusions upon individuals' body integrity;
  - 3. The reasonableness of methods employed to search;
  - 4. The availability of evidence from less intrusive sources;
  - 5. The type of crimes for which the individuals were arrested;
  - 6. The individuals' ages; and
  - 7. Specific factors giving rise to the belief that items being sought are concealed within arrestees' bodies.
- D. Body cavity searches conducted on the authority of search warrants must be conducted at medical facilities by licensed primary health care providers, such as doctors, nurses, or physician assistants.
- E. Reasonable, prudent, and necessary force may be used to conduct body cavity searches.
- F. Only those officers of the same gender of arrestees will witness body cavity searches.
- G. Primary officers involved in body cavity searches will ensure their related reports contain information that includes, but is not limited to:
  - 1. Facts and circumstances leading to the necessity of body cavity searches being conducted;
  - 2. Names of officers approving search warrant application and witnessing body cavity searches;
  - 3. Names of judges signing search warrants;
  - 4. Dates, times, and locations searches were conducted;
  - 5. Names of primary health care providers conducting body cavity searches; and
  - 6. Search results.

#### **2.604 RESTRAINTS (70.2.1)**

- A. Officers will:
  - 1. Use only issued or authorized restraint devices as described elsewhere in agency directives;
  - 2. Apply handcuffs and other restraints without jeopardizing officer safety, injuring arrestees, or causing undue physical pain;
  - 3. Apply handcuffs with arrestees' hands behind their backs and double locked unless prohibited by arrestees' physical conditions, injuries, etc. or temporarily delayed by exigent circumstances;
  - 4. Securely hold onto arrestees when escorting them on foot;
  - 5. Ensure arrestees are restrained until they have been safely delivered to processing, detention, holding, similar facilities, or until officials assuming custody require otherwise;
  - 6. Remove flex-cuffs, or issued or authorized disposable restraining devices, at processing, detention, holding or similar facilities as soon as reasonably possible and, if necessary, replace them with more permanent restraints, such as handcuffs, leg irons, etc.; and
  - 7. Minimize the amount of time arrestees spend on their stomachs any time they are handcuffed.
- B. Officers will not handcuff or restrain:
  - 1. Two or more persons together except in emergency circumstances that are subsequently documented in related reports;
  - 2. Themselves to arrestees or use a single cuff as a "come-along;"
  - 3. Juveniles who have been taken into custody only for status offenses;
  - 4. Persons to any vehicles parts other than by seatbelts; or
  - 5. Persons in a hog-tying position or other position reasonably known to contribute to positional asphyxia.
- C. Officers may:
  - 1. Use discretion, with supervisor approval, on whether or not to restrain arrestees based on the arrest circumstances, offenses committed, or arrestees' conditions. Situations where arrestees are unrestrained, except within secure facilities, must be approved by a supervisor and justified and documented in related reports; and

2. Use additional or enhanced authorized restraints for arrestees who:
  - a. Are unruly, physically uncooperative, violent, or combative;
  - b. Are self-destructive or suicidal;
  - c. Are escape risks;
  - d. Have mobility, medical or other physical limitations or disabilities that rule out using traditional restraint methods.
- D. Authorized additional and enhanced restraints that may be used as necessary are:
  1. Multiple sets of handcuffs linked together to lengthen the cuffing span;
  2. Leg irons;
  3. Waist chains with handcuffs; and
  4. Flex-cuffs or other similar disposable restraints.
- E. ARRESTING OFFICERS WILL ENSURE THAT THE METHODS USED TO RESTRAIN ARRESTEES OR THE FACTS AND CIRCUMSTANCES LEADING TO THE DECISION TO USE NO RESTRAINTS OR INCREASED OR ENHANCED RESTRAINTS ARE INCLUDED IN RELATED POLICE REPORTS.

## **2.606 TRANSPORTING ARRESTEES** (70.1.1, 70.1.2, 70.1.5, 70.3.1, 70.4.1)

- A. In addition to regular vehicle inspections, officers will inspect their vehicles immediately before and after they transport arrestees to ensure that:
  1. Back seat interior controls to windows and doors are disabled to prevent escapes;
  2. Weapons or other hazardous items are not available to arrestees;
  3. Contraband is not in vehicles before arrestees are transported; and
  4. Arrestees have not left property, contraband, or weapons in patrol vehicles during transports.
- B. Arrestees:
  1. Will be searched by transporting officers regardless if they have been previously searched;
  2. Will be transported in vehicles equipped with safety barriers when those vehicles are available;
  3. Will be removed without unnecessary delay from arrest scenes and transported directly to appropriate police, detention, or medical care facilities;
  4. If possible, should not be transported by officers with whom they have fought or seriously struggled during an arrest;
  5. Who are naked or indecently attired will be removed from public view and covered before being transported;
  6. Will not be transported with members of the opposite sex;
  7. Who are juveniles will not be transported with adults;
  8. Who are juvenile status offenders and non-offenders will be transported separately from juvenile delinquent offenders and adult arrestees;
  9. Will not be transported together if they were involved in mutual assaults or their ability to communicate with each other may lead to further collusion;
  10. Will be segregated from public contact, including attorneys, during transport;
  11. Will not be placed face down in vehicles if OC has been used on them;
  12. WILL, CONSISTENT WITH 2.106 SAFETY RESTRAINTS AND TR § 22-412, ET SEQ., BE SEAT BELTED UNLESS THEY ARE TOO COMBATIVE OR UNCOOPERATIVE.
    - A. OFFICERS SHOULD USE DE-ESCALATION TECHNIQUES TO OBTAIN ARRESTEES' COOPERATION SO ARRESTEES CAN BE SAFELY SEAT BELTED.
    - B. UNBELTED ARRESTEES SHOULD NOT BE TRANSPORTED FROM INCIDENT SCENES UNLESS EXIGENT CONDITIONS EXIST THAT PRESENT GREATER THREATS TO OFFICERS OR ARRESTEES.
    - C. THE PATROL SUPERVISOR SHOULD RESPOND TO INCIDENT SCENES THAT INVOLVE COMBATIVE OR UNCOOPERATIVE ARRESTEES TO ASSIST IN DE-ESCALATION AND DECISION MAKING.
    - D. ARRESTING OFFICERS WILL ENSURE THAT THE USE OF SEATBELTS OR THE FACTS AND CIRCUMSTANCES LEADING TO THE DECISION TO NOT USE SEATBELTS ARE INCLUDED IN RELATED POLICE REPORTS; AND

13. Who are physically disabled will be transported in a manner that is most convenient, comfortable, and safe for both arrestees and officers.
  - a. All medical equipment required by arrestees will be transported with the subjects to processing or other locations.
  - b. If disabled arrestees cannot be safely transported in police vehicles:
    - (1) During normal business hours, contact Parking and Transportation Services to request they provide transportation with a handicapped accessible van. An officer will accompany the Parking and Transportation Services driver during arrestee transportation; or
    - (2) During non-business hours and with supervisory permission, access handicapped van spare keys that are available in the auto shop key box to permit van operations by officers or aides who have been trained in handicapped van operations. An officer will accompany the driver during arrestee transportation.

#### **2.606.02 Security During Transport** (70.1.3, 70.1.4, 70.4.2)

- A. Officers:
  1. Are responsible for the security of arrestees during transport;
  2. Will not divert, delay, or interrupt arrestee transport except to take police actions when there is grave and imminent danger to third parties and assistance can be rendered without endangering arrestees or compromising their security.
- B. Marked and unmarked police vehicles that are equipped with safety barriers serve as the agency's primary arrestee transport vehicles during normal situations.
- C. Rear seat window operations will be locked out and door-opening mechanisms over-riden when officers are transporting arrestees in the back seats of patrol vehicles.
- D. An extremely disorderly or violent arrestee should be transported by two officers in a vehicle that is equipped with a safety barrier.
- E. The seating configuration of officers and arrestees depends on the number of arrestees, available officers, and if vehicles are equipped with safety barriers.
  1. Vehicles with safety barriers:
    - a. One arrestee – seated on the right, rear position.
    - b. Two arrestees – one each seated on the left and right, rear positions.
  2. Vehicles without safety barriers:
    - a. One arrestee seated on the right, rear position and, if staffing permits, a second officer seated behind the driver.
    - b. One arrestee seated on the right, rear position and, if staffing is very limited, a second officer following immediately behind the transporting vehicle.
    - c. Officers will not transport two arrestees in vehicles without safety barriers except with supervisory approval under circumstances justifying the action.
  3. No more than two arrestees will be transported at one time in a single police vehicle.
  4. Two officers will be used to transport only one arrestee at a time if it is known or highly probable that the vehicle will be out of radio range during the transport.
- F. University vans may be used for arrestee transportation in exigent circumstances and where there are minimal physical threats to transporting officers.
  1. At least two officers will staff vans temporarily being used for arrestee transportation.
  2. Final staffing and seating will be determined by a supervisor or commander.
- G. Transporting officers will notify Communications by radio or by phone if out of radio range their beginning and ending odometer mileage readings and destinations. Communications personnel will enter this information into the appropriate CAD fields.

#### 2.606.04 Escapes During Transport (70.1.7)

- A. Officers will exercise due care and diligence when transporting arrestees in order to prevent escapes.
- B. Officers will not, without proper authority or authorization, release arrestees in their charge or, through neglect or design, allow arrestees in their custody to escape.
- C. Officers will use **Detention and Screening Reports (UPO.006.D)** to document detainees' potential escape risks and will provide copies of the screening records to officials from other agencies who accept custody of the arrestees.
- D. If escapes occur during arrestee transport within this agency's jurisdiction:
  - 1. Transporting officers will:
    - a. Immediately notify Communications and provide information that includes, but is not limited to:
      - (1) Location of escape;
      - (2) Complete description of the arrestee;
      - (3) Direction of travel;
      - (4) The charges for which the escapee was initially arrested; and
      - (5) If the arrestee poses an imminent threat or danger to self, officers, or the community;
    - b. Ensure the on-duty patrol supervisor is notified;
    - c. Make every practical attempt to apprehend the arrestee by cooperating with responding supervisory personnel and other units; and
    - d. Complete required reports of the incidents.
  - 2. Supervisors will:
    - a. Be the initial incident commander and coordinate all practical attempts to apprehend the arrestee;
    - b. Ensure an on-duty commander or the Duty Officer is notified;
    - c. Ensure that comprehensive departmental reports are completed; and
    - d. Initiate the Critical Incident Review process consistent with **1.402 Administrative Reporting System**.
  - 3. Communications will:
    - a. Broadcast lookouts;
    - b. Notify the BCPD, the MSP, and other appropriate agencies;
    - c. Send wanted/escape messages via METERS; and
    - d. Notify an on-duty commander or the Duty Officer.
- E. If escapes occur during arrestee transport outside this agency's jurisdiction:
  - 1. Transporting officers will:
    - a. Immediately notify Communications, if within radio range, and the agency that has primary jurisdiction where the escape occurred and provide information that includes, but is not limited to:
      - (1) Location of escape;
      - (2) Complete description of the arrestee;
      - (3) Direction of travel;
      - (4) The charges for which the escapee was initially arrested; and
      - (5) If the arrestee poses an imminent threat or danger to self, officers, or the community;
    - b. Ensure the on-duty patrol supervisor is notified;
    - c. Make every practical attempt to apprehend the arrestee by cooperating with responding supervisory personnel and other units; and
    - d. Complete required reports of the incidents.
  - 2. Supervisors will:
    - a. Ensure an on-duty commander or the Duty Officer is notified;
    - b. Ensure that comprehensive departmental reports are completed; and

- c. Initiate the Critical Incident Review process consistent with **1.402 Administrative Reporting System**.
3. Communications will:
  - a. Broadcast lookouts;
  - b. Notify allied agencies as appropriate;
  - c. Notify an on-duty commander or the Duty Officer.
- F. Local apprehending jurisdictions have priority in arrest and charging of offenses against escapees.
- G. Agency officers will take custody of recaptured arrestees if local apprehending jurisdictions decline to process recaptured arrestees.
- H. Arrestees who escape within this agency's jurisdiction and are subsequently recaptured will be charged with escape in addition to the initial charges leading to their arrest.

#### **2.606.06 Destination Security & Activities** (70.1.6, 70.1.8, 70.5.1)

- A. Transporting officers will, as applicable:
  1. Comply with arrestee security and operational directives of arrestee receiving facilities;
  2. Appropriately secure weapons;
  3. Remove restraining devices only when legitimately directed to do so by personnel at receiving facilities or arrestees are properly controlled and secure;
  4. Deliver all necessary documentation, to include copies of **Detention and Screening Reports (UPO.006.D)** to receiving personnel or facilities;
  5. Advise receiving personnel of real or potential security, escape, health, suicide, or other similar traits that may present a safety or security risk. This information will be given verbally and with copies of the **Detention and Screening Reports (UPO.006.D)**; and
  6. Obtain signatures of receiving personnel and/or documentation detailing the arrestee transaction.
- B. Officers may transport arrestees from detention facilities in order to interview them and/or serve outstanding charging documents held by this agency. Officers:
  1. Who need to transport arrestees from detention facilities must first notify the facility of the arrestee's name, race, sex, date of birth, and other personal descriptors that will assist in locating and identifying the person to be transported and the legal reason for the transport.
  2. Will ensure they have the correct persons when picking up arrestees for transport from detention facilities.
  3. Will provide the detention facility with a copy of any outstanding warrants to be served during transports of arrestees.
- C. Documents that are required when arrestees are transported to Commissioners are:
  1. Charging documents;
  2. Arresting officers' next three projected court dates;
  3. Medical treatment release records, if applicable; and
  4. Other applicable documents such as detainers, witness summonses, etc.
- D. When it is necessary to transport arrestees to the Detention Center officers will:
  1. Promptly transport arrestees to the Detention Center or back to Police Headquarters to await subsequent transport to the Detention Center consistent with Baltimore County Bureau of Corrections (BOC) instructions;
  2. Present documentation that includes, but is not limited to:
    - a. Commitment orders and any other documents attached by commissioners;
    - b. Copies of any medical treatment and release records; and
    - c. Copies of the **Detention and Screening Reports (UPO.006.D)**. The original will be signed by the receiving official, photocopied for BOC use, and subsequently submitted with all other arrest related paperwork through officers' supervisors to Central Records.