

BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-32 SECTION H-2

STATEMENT OF CHARGES/WARRANT/WARRANTLESS ARREST PROCEDURES Revisions Approved: June 12, 2018

This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. General
- IV. Procedure
- V. Serving of Arrest Warrants
- VI. Serving of Arrest Warrants at Primary Residence
- VII. Execution of Arrest Warrant at Third Party Locations
- VIII. Forcible Entry
- IX. Criminal Arrests, Release Without Charges or Processing
- X. Effective Date

I. DIRECTIVE

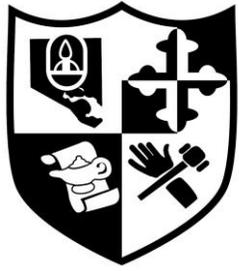
This General Order is to provide direction in reference to adult arrestees, and will also apply to juveniles initially arrested for crimes for which the Juvenile Court has no jurisdiction.

II. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for Statement of Charges, warrant and warrantless arrest procedures, as well as supervisory review and approval of all Statements of Charges prepared by subordinates prior to presentation to the appropriate officer of the Court.

III. GENERAL

- A. The power of arrest is entrusted to the Baltimore City School Police Officers in a lawful and constitutional manner. Officers shall be familiar and comply with all local, state, and federal laws regarding constitutional rights of and processing of arrestees when affecting an arrest.
- B. All members of the Baltimore City School Police Force (BCSPF) will act in an unbiased manner when initiating police action and will not consider a person's race, religion, ethnicity, sexual orientation, gender identity, gender expression or disability when



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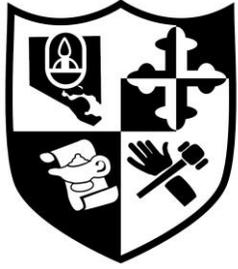
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making decisions related to an arrest.

- C. It is the position of the BCSPF that an arrest or issuance of citation will be based on probable cause that a violation of a law has occurred and in accordance with existing laws.
- D. BCSPF shall not participate in the use of unlawful discriminatory characteristic as a cause for taking any law enforcement action against any individual or group.
- E. When making an adult arrest, BCSPF shall transport the arrestee to the Baltimore Central Booking and Intake Center (BCBIC) in a timely manner for processing.
- F. A member of the BCSPF may initially transport an adult arrestee to a Baltimore City Police District Station or an investigatory unit for the purpose of conducting an interview related to the arrest and/or other related criminal activity. The interview process should not delay the arrestee from being seen by a Court Commissioner in a timely manner.
- G. When a member of the BCSPF makes an adult arrest, the member must ensure the arrestee is seen by a Court Commissioner within 24 hours of the arrest. This includes all processing times at the BCBIC, also known as Central Booking and Intake Facility (CBIF).
- H. An arrestee not seen by a Court Commissioner within 24 hours of arrest can be Released Without Charges (RWOC), unless there are documented medical issues or a signed Waiver of Prompt Presentment is obtained.
- I. Upon arrival at the BCBIC, BCSPF officers shall follow the arrest processing guidelines and requirements of that facility.
- J. Probably cause statements must be clear and concise and, contain sufficient information to allow a Court Commissioner to make a determination as to sufficiency of probable cause.
- K. The arresting officer's supervisor shall ensure that all charging documents accurately reflect the reasons for the arrest and the supervisor shall affix their initials to the officer's copy of the Statement of Charges.



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The arresting officer's supervisor shall ensure that a review of the person's charges and disposition form is conducted for all arrestee's processed during each 24 hour period. Statement of Charges shall be reviewed to ensure adherence to these procedures.

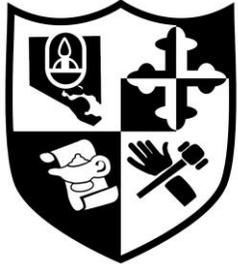
IV. PROCEDURE

A. Statement of Charges

1. When an officer makes a physical arrest of an adult without an arrest warrant, the DC/CR 1, "Statement of Charges," (SOC) must be completed to include the officer's probable cause for arrest. The SOC must contain the wording of the specific statute the suspect is charged with. If necessary, the officer should complete the DC/CR 1A "Statement of Charges Continuation" form.
2. All documentation must be completed in a thorough manner to include all required fields and pertinent information.
3. The SOC must be presented to the on-duty State's Attorney for review and approval.
4. Once the State's Attorney has approved the SOC, the officer must follow all remaining processing requirements as dictated by the BCBIC.

B. Warrantless Arrest

1. BCSPF officers must complete an SOC when making an adult arrest or when a juvenile is charged as an adult.
2. A BCSPF officer may arrest without a warrant any person who commits or attempts to commit, any misdemeanor in the presence of, or within the view of, such officer.
3. A BCSPF officer may arrest a person without a warrant if the officer has probable cause to believe that a felony has been committed or attempted whether or not in the officer's presence or view.
4. Incidence of domestic abuse- an officer may arrest a person without a warrant if:
 - a. The person battered the person's spouse or other individual with whom the person resides;
 - b. There is evidence of physical injury and
 - c. Unless the person is immediately arrested:
 - d. The person may not be apprehended;
 - e. The person may cause injury to the person or damage to the property of



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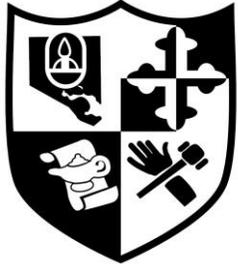
- one or more other person; or
 - f. The person may tamper with, dispose of, or destroy evidence and
 - g. A report to the School Police was made within 48 hours of the alleged incident.
 - h. If the police officer has probable cause to believe that mutual battery occurred and arrest is necessary under this subsection, the officer shall consider whether one of the parties acted in self-defense when making the determination whether to arrest the person whom the officer believes to be the primary aggressor.
5. An officer may arrest a person without a warrant if the officer has probable cause to believe:
- a. That an offense has been committed; and
 - b. Unless the person is immediately arrested:
 - c. The person may not be apprehended;
 - d. The person may cause injury to the person or damage to the property of one or more other person; or
 - e. The person may tamper with, dispose of, or destroy evidence.

C. Arrest Warrant

1. BCSPF may apply for an arrest warrant for a subject when the officer has probable cause to believe that the subject has committed a criminal offense.
2. BCSPF may apply for an arrest warrant for a juvenile for those enumerated crimes for which the Juvenile Court has no jurisdiction.
3. BCSPF will utilize DC/CR 1 when applying for an arrest warrant to include their statement of probable cause.
4. The warrant is the fundamental source of authority to arrest in the United States and is recognized under both the common law and modern statutes.
5. When the BCSPF is involved in serving an arrest warrant only sworn members are authorized to serve such warrants.

V. SERVING OF ARREST WARRANTS

- A. A warrant is valid only if all of the following conditions are met:
1. The warrant is from a court specified below or other court of competent jurisdiction.



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- a. The Court Commissioner's Office, located at 500 N. Calvert Street, 24 hours a day.
 - b. The John Hargrove, Sr. Building located at 700 E. Patapsco Avenue. Availability of a Court Commissioner must be verified prior to responding to this location.
 - c. The Eastside Court Facility, located at 1400 E. North Avenue. Hours of operation are 0830 hours to 1630 hours, Monday through Friday.
2. The warrant specifies the name of the person whose arrest is ordered if known. If unknown, the warrant specifies a reasonably definitive description of the person. This includes a specific description of multiple physical characteristics that a reasonable person could use to identify the suspect.
 3. The warrant states that the person to be arrested is accused of one or more offenses against the laws of the State of Maryland or other court of competent jurisdiction and names the offense(s).
 4. The warrant is signed by a magistrate, judge, or authorized designee and their office is named in the body of the warrant or by their signature.
- B.** The Communications Unit will check both the National Crime Information Center (NCIC) and the Maryland Inter-agency Law Enforcement System (MILES) possible warrants. If the system reflects that a warrant has been issued for the individual in question, the dispatcher will either provide the officer with an out-of-jurisdiction telephone number so the warrant can be confirmed, or advise the officer to contact the Central Records Section to confirm that the warrant is available for pick-up prior to the detainee's arrest. No arrest shall be made on a warrant until the validity of the warrant has been confirmed.
- C.** Ensure that the suspect is the person for whom the warrant was issued.
- D.** Ensure all arrest warrants are executed as soon as practicable.
- E.** Make every effort to ensure the time and place of warrant service accounts for the arresting officer's safety.
- F.** Ensure sufficient officers are on-scene when warrant service is requested.
1. Officers are not required, but are strongly recommended to have the warrant in their possession when making an arrest.
- G.** When making an arrest, notify the defendant of the existence of the warrant and the type



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of offense(s) charged.

- H. When making an arrest, notify the defendant of the existence of the warrant and the type of offense(s) charged.
- I. Serve a copy of the warrant and charging document on the defendant promptly after the arrest.
- J. Transport the defendant to Central Book and Intake Facility (“CBIF”) and comply with all processing requirements. At CBIF, the defendant must be taken before a judicial officer of the District Court without unnecessary delay no later than 24 hours after arrest.
- K. Arrest warrants shall only be served between the hours of 0700 and 2400 unless special circumstances exist (i.e. in cases where timelines and/or officer safety is of the essence.)

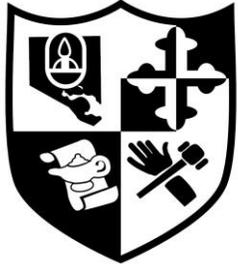
VI. SERVING OF ARREST WARRANTS AT PRIMARY RESIDENCES

- A. BCSPF officers have authority to enter, search for, and arrest subjects inside of their primary residence for both felony and misdemeanor offenses. The officer may do so if they have reason to believe that the subject lives in and is inside of the residence- *Payton v. New York*, 445 U.S. 573 (1980).
- B. Officers should notify their supervisor in advance of serving an arrest warrant at a primary residence.

VII. EXECUTION OF ARREST WARRANTS AT THIRD PARTY LOCATIONS

- A. Prior to entering the residence of a third party (i.e. not the subject of the arrest), officers must obtain a search warrant to enter that residence in addition to having an arrest warrant for the subject and probable cause to believe the subject is at the third party’s residence- *Steagald v. United States*, 451 U.S. 204 (1981).
- B. Members may execute an arrest warrant at the home of a third party without a search warrant only when:
 - 1. Exigent circumstances exist (e.g. the suspect may escape, hot pursuit, destroy evidence, or further commit a crime); or
 - 2. The third party has consented to the search.

VIII. FORCIBLE ENTRY



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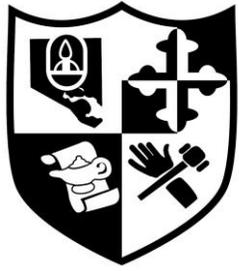
Except when the urgency of a situation demands immediate action, a supervisor must approve forcible entry of any premises made solely to affect an arrest. In addition, a supervisor must respond to the premises prior to making forcible entry.

- A. Officers in possession of an arrest warrant and with reasonable suspicion that the person named in the warrant is inside their **own residence** may forcibly enter that residence to effect the arrest if:
 - 1. Demand of entrance is made by the officer and consent is denied by the occupant, or
 - 2. The person refuses to communicate with the officer who is present, indicating an implied denial of consent to enter.

- B. Officers may not make forcible entry of any residence to effect the warrantless arrest of any person unless exigent circumstance exists. Exigent circumstance are limited to:
 - 1. Fresh/hot pursuit of a person whom an officer has probable cause to believe has committed a crime.
 - 2. To arrest a person charged with a serious offense who has just escaped from the officer's custody.
 - 3. When an officer has probable cause to believe a person is an immediate danger to himself, to others or to property of others.
 - 4. When an officer has probable cause to believe that a crime is in progress or to suppress affrays which they may have heard from the outside.
 - 5. To arrest a felon without a warrant or to prevent the commission of a felony when demand of entrance was made and entrance is denied.

- C. Procedures for Forcible Entry
 - 1. Ensure a supervisor is on the scene prior to making a forcible entry.
 - 2. Notify the Communications Unit if additional units are needed to safely and effectively conduct the forced entry.
 - 3. Ensure a perimeter is established to maintain proper visual surveillance of the target location.
 - 4. Obtain all necessary equipment before going to the scene.
 - 5. Knock forcefully on the door at least two times and in a loud voice, identify themselves as a Baltimore City Schools Police Officer.
 - 6. If applicable, state that they have a warrant and demand entry.

IX. CRIMINAL ARRESTS, RELEASE WITHOUT CHARGING OR PROCESSING



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A. Criminal Arrests, Without Processing or Charging

1. On occasion, an officer may have probable cause to arrest a suspect but subsequently releases the person without placing charges.
2. If a prior report is on file, write a supplement report detailing the arrest and release in the narrative.
3. If no report is on file, write an incident report detailing the arrest and release in the narrative. No arrest report or criminal ID will be obtained.

X. EFFECTIVE DATE

This Order shall be effective on the date of publication.

I certify that I have read and fully understand this Order.

Signature _____

Date _____