



LEGAL PROCESS

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I. Purpose

The purpose of this Written Directive is to establish guidelines and procedures to be followed in the execution of criminal documents. This Directive will also address arrest with or without a warrant, arrest associated with federal violations and search and seizure warrants.

II. Policy

It shall be the policy of the University of Maryland, Baltimore Police Force (UMBPF) to serve warrants/assist in serving warrants when requested.

III. Definitions

A. Arrest

An arrest has been defined as "the detention of a known suspected offender for the purpose of prosecuting a crime". There is an arrest only when there is a touching by the arresting officer with the intent to arrest or when the arrestee is told that they are under arrest and submit to the arrest.

B. Arrest with Probable Cause

Probable cause to arrest exists where the officer has facts and surrounding circumstances that would justify a person of reasonable caution to believe that an offense has been committed and that the person to be arrested had committed the offense. Probable cause requires a reasonable belief, based on reliable evidence, that the suspect has committed a crime. Probable cause, however, must go beyond mere suspicion but is less than absolute certainty. The lawfulness of an arrest is not affected by the fact that the arrested person may be later found to be innocent (See Article 3 Section 14 (Domestic Violence) of the Police Force Manual for additional information on a warrantless arrest).

IV. Documentation

A. Criminal and Civil Documents

1. Arrest Warrants (Misdemeanor and Felony) - When a judicial officer issues a warrant for the arrest of a defendant, the warrant will be maintained by the Baltimore Police Department's Central Records Division.
2. Criminal Summonses - When a judicial officer issues a summons commanding an appearance before the court, the summons will be maintained by Baltimore Police Department's Central Records Division until it is issued.
3. Summons to Testify - When summonses to testify are received by the UMBPF, the Records Section will log the summonses in the Court Summons Log Book.
4. Civil Process Documents – The UMBPF does not serve civil process documents. The service of civil process documents is handled by the Baltimore City Sheriff's Office.

B. Court Summons Log Book

The Court Summons Log Book is maintained in the Patrol Supervisor's area, which provides police officers with 24-hour access to the documentation. The information that is documented in the summons book includes the name of officer or witness to testify, defendant's name, issuing court (District or Circuit Court, etc.), date and time of trial, summoned officer's initials and date received and the date that the summons was logged in and officer's initials that logged the summons in.

C. Other Required Documentation

1. Ex Parte Order - The Records Section is responsible for maintaining a record of Ex Parte Orders received by the UMBPF. The copy will be attached to the incident report generated when the Ex Parte Order is received. A copy of the Ex Parte Order will be kept in the Patrol Supervisor's area to provide 24-hour access for patrol officers. Orders will be purged from the Patrol Supervisor's area upon expiration. The UMBPF does not serve Ex Parte Orders.
2. Protective and Peace Orders - The Records Section is responsible for maintaining a record of Protective or Peace Orders received by the UMBPF. The copy will be attached to the incident report generated when the Order is received. A copy of the Protective or Peace Order will be kept in the Patrol Supervisor's area to provide 24 hour access for police officers. Orders will be purged from the Patrol Supervisor's area upon expiration. The UMBPF does not serve Protective or Peace Orders.
3. Access/Control of Criminal Documents - The record system for criminal warrants are maintained by the Central Records Division of the Baltimore Police Department. The Baltimore Police Department and the Baltimore Sheriff's Department records system provides 24 hour access to criminal warrants and will enter open arrest warrants into the M.E.T.E.R.S and/or NCIC computer.

4. NCIC and M.E.T.E.R.S. - The NCIC and/or M.E.T.E.R.S. computer provide the UMBPF with 24 hour access to a nationwide and international system which provides information in the following areas:
 - a. Criminal warrants;
 - b. Criminal history;
 - c. MVA Records;
 - d. Stolen/Recovered Articles (e.g., guns, boats, radios, etc.);
 - e. Missing Persons; and
 - f. Stolen/Recovered Vehicles

V. Service/Execution of Criminal Documents

A. Procedure

1. Assistance In Making Arrests - An officer is authorized in cases of necessity or when probable cause exists or when warrants exist or any other criminal or civil document exists, requiring arrest, to apprehend the suspect named on the document.
2. Issuance of Summons in Lieu of Arrest - A criminal summons and charging document shall be served on the defendant by mail or by personal service by a sheriff or a police officer as directed by a judicial officer in the District Court, or by the State's Attorney's Office (SAO).
3. Use of Force - An officer should only use that force necessary to overcome resistance and make the arrest. Officers should consult Article 3 Section 11 (Use of Force) and Article 6 Section 6 (Firearms and Deadly Force) of the Police Force Manual for further information.
4. Arrest Immunity – Immunity from arrest exists in certain circumstances involving foreign nationals. (See Article 6 Section 2 (Arrest) and Article 6 Section 35 (Traffic Law Enforcement) of the Police Force Manual).
5. UMBPF officers have the authority to execute criminal documents in foreign jurisdictions under the authority of Article 6 Section 24 (Limited Extra-Jurisdictional Authority) of the Police Force Manual and in accordance with the Criminal Procedure Article, Section 2-202 of the Annotated Code of Maryland.

B. Execution of Documents

1. Execution and/or service of criminal arrest warrants (misdemeanor and felony) and summonses will be performed by sworn law enforcement officers only.

2. Normally, criminal documents will not be served between the hours of 0001 - 0600 hours except in the following cases:
 - a. Felony warrants at any time;
 - b. When there is reason to believe that an individual for whom there is an outstanding warrant or detention order, may be a danger to themselves or others, or may flee the jurisdiction; and
 - c. When officers make on-scene arrests.
3. Students will not be taken out of class for the purpose of serving any legal process, except in serious or exigent circumstances with the approval of the Associate Vice President for Public Safety.
4. If the location of the wanted person is in a foreign jurisdiction, the officer will request that an officer from the appropriate jurisdiction meet at that location. If the person is located, the officer from the assisting jurisdiction will standby while the UMBPF execute the warrant.
5. UMBPF officers are authorized to arrest persons without having the actual warrant in hand when that person has been duly charged with a crime in another jurisdiction and when in receipt of a photocopy of the warrant, a teletype message, a computer printout, a radio message (message must state that the warrant is in hand) or a telephone message (message must state the warrant is in hand).
6. If an officer comes in contact with a person that is wanted by another jurisdiction inside or outside of the state, the Patrol Supervisor will notify the appropriate jurisdiction, insure that the agency has the warrant in hand and will respond to transport the person back to the appropriate jurisdiction and/or ascertain if out-of-state agency will extradite the prisoner. If the out-of-state agency will extradite the prisoner, the extradition of the prisoner shall be as follows:
 - a. The Baltimore Police Department's Fugitive Squad Unit will be contacted to take custody of the prisoner (The Fugitive Squad requires a copy of the NCIC hit on the out-of-state warrant or, if possible, a copy of the warrant);
 - b. The UMBPF will notify the out-of-state jurisdiction by teletype, telephone or fax communication to verify the warrant; and
 - c. After the arrest, suspects waiving extradition shall immediately be returned from the Fugitive Squad to the out-of-state agency.
7. Suspects refusing to return shall be taken by the Fugitive Squad before a judge for an extradition hearing.

8. If the foreign jurisdiction does not wish to extradite the suspect and the UMBPF is not charging the suspect with an offense, the officer will release the suspect. Before releasing the suspect, the officer will request a teletype or fax on organizational letterhead stating their refusal to extradite the suspect. If teletype or fax is not forthcoming in a timely fashion, the supervisor will document the facts surrounding the refusal and release the suspect after consulting with the States Attorney's office (SAO) and the Patrol Lieutenant.
9. Any officer delivering an accused person to the agent of an out-of-state jurisdiction without first taking the suspect before a judge of a court of record for a hearing is guilty of a misdemeanor.
10. The UMBPF will not transport prisoners to foreign jurisdictions. If the UMBPF officer is incarcerating the person and there are additional warrants on file, the officer will transport the individual to the Baltimore Central Booking and Intake Facility (BCBIF) for processing. The arresting officer and/or Patrol Supervisor will insure that the agency holding the warrant(s) on the person is notified of the arrest.
11. The UMBPF does not serve civil process documents or civil warrants but will attempt to assist any police agency when possible. Prior to any action being taken by a process server, members of the UMBPF will direct the process server to the Pine Street Annex to speak with the Patrol Supervisor. The Patrol Supervisor will attempt to assist the process server by contacting the manager of a building or the dean of a school to try to locate the person to be served. Only the manager or the dean of a particular building on campus can grant permission for the process server to come into that building to attempt to serve a civil document.

VI. Arrest With or Without a Warrant; Search and Seizure

A. Authority to Arrest

The authority to arrest can be found in the Annotated Code of Maryland - Criminal Procedure Article, Section 2-202.

B. When to Arrest

1. A police officer may arrest without a warrant any person who commits or attempts to commit any felony or misdemeanor in their presence.
2. A police officer who has probable cause to believe that a felony or misdemeanor is being committed in the officer's presence or within the officer's view, may arrest without a warrant any person whom the officer may reasonably believe to have committed such offense.
3. A police officer may arrest a person without a warrant if the officer has probable cause to believe that a felony has been committed or attempted and that such person has committed or attempted to commit a felony whether or not in the officer's presence or view.

4. A police officer may arrest a person without a warrant if the officer has probable cause to believe that they are the aggressor in a domestic violence incident (See Article 3 Section 14 (Domestic Violence) of the Police Force Manual).
5. A police officer may arrest a person if there is probable cause to believe that if the person is not immediately arrested the person may not be apprehended, the person may cause injury to another person or damage to the property of one or more other persons, or the person may tamper with, dispose of, or destroy evidence.
6. A police officer may arrest a person without a warrant if the officer has probable cause to believe that an offense listed in the Annotated Code of Maryland, Criminal Procedures Article Section 2-202, has been committed or has been attempted.

C. Exceptions

Without a warrant, a police officer may not arrest a person accused of having committed a misdemeanor if the misdemeanor was not committed in their presence, with certain exceptions. First, an officer is allowed to arrest without a warrant for a misdemeanor that was not committed in their presence, providing the misdemeanor was committed in the presence of another police officer that promptly relays the information to the other officer and the arrest is made within a reasonable time of the receipt of information relayed. In addition, a police officer is also allowed to arrest a person for a misdemeanor without a warrant, which is in violation of any of the offenses enumerated in Section 26-202 (Vehicle Laws - Citation and Arrest) of the Maryland Transportation Code.

D. Procedures for Arrest

1. When a warrant is placed in the hands of a police officer, they are not bound to inquire into the particulars of the complaint or whether the warrant is in due form and issued by a person having a right to issue it. The police officer has the duty to execute it without further inquiry.
2. A warrant remains in force until it is returned even if the accused has been arrested and escapes. When this occurs, the arrestee may be taken again on the same warrant if it has not been returned.
3. A warrant must not be issued in blank with a view of later writing in the name of the defendant. Such warrants are absolutely void.
4. No person other than the issuing authority has the right to alter a warrant.
5. The warrant should be signed by the authority issuing it, set forth the time and place and include the charge or offense and be directed to the police officer requiring them to bring the accused either generally before an officer of the court or specifically before the authority issuing it. The warrant shall contain the full name of the individual sought and a statement of the fact. An irregularity upon the face of the warrant, however, will not

render the officer liable who serves it. Promptly after the arrest, the defendant shall be given a copy of the warrant by the arresting officer.

E. Arrest for Federal Violations

The Attorney General for the State of Maryland has rendered an opinion that municipal and state police officers only have authority to arrest for federal law violations in three situations. First, in terms of a federal violation, a police officer only has the authority to arrest as any ordinary citizen would have. Second, a police officer can arrest if a federal law amounting to a felony has been committed in the officer's presence and lastly, a police officer can arrest if there has been a federal felony violation committed and the officer has a reasonable belief that a person committed the violation.

F. Search and Seizure

See Article 6 Section 8 (Search and Seizure) of the Police Force Manual

G. Disposition of Property Acquired through the Legal Process

The UMBPF does not acquire property through the civil process function or asset forfeiture. Any other property acquired by the UMBPF as a result of a legal process such as execution of a warrant, property seized incident to arrest, or other lawful seizures will be treated as evidence and will be disposed of as required in accordance with Article 11 Section 5 (Property Management) and Article 11 Section 2 (Collection and Preservation of Evidence) of the Police Force Manual.

H. Financial Management

The UMBPF does not receive or disburse funds involving the legal process function.

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