

The Criminal Justice System

1121.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the procedures for the participation of the University of Maryland, Baltimore Police Department (UMBPD) in programs which are designed to improve the criminal justice system.

1121.2 POLICY

It is the policy of the UMBPD that all members will participate in, actively promote and implement programs and procedures that serve to improve the criminal justice system. In addition, investigators shall attempt to identify those cases involving career or habitual criminals.

1121.3 CAREER CRIMINALS

1121.3.1 HABITUAL OFFENDERS

- (a) To qualify as a career criminal or habitual offender, a person must:
 1. Be at least eighteen (18) years of age;
 2. Have a previous criminal record that includes at least one conviction within the previous twelve months for an offense which was classified as a felony;
 3. Have committed a felony within twelve months after release from a correctional institution;
 4. Have been identified by intelligence sources as being involved in continuing criminal enterprises; and
 5. Have committed more than one Part I crime in a series of criminal incidents including Criminal Homicide, Forcible Rape, Robbery, Aggravated Assault, Burglary, Theft, Motor Vehicle Theft and Arson.
- (b) When it is determined that a person who meets the criteria for career criminal or habitual offender is involved in an investigation, the officer discovering such facts shall immediately report in writing the information through the chain of command to the Investigation Division Supervisor.

1121.3.2 RESPONSIBILITIES OF THE INVESTIGATION DIVISION SUPERVISOR

- (a) The Investigation Division Supervisor (ID Lieutenant) shall request necessary assistance from other areas of the UMBPD or from other law enforcement agencies to successfully complete an investigation and then notify the State's Attorney's Office (SAO) of Baltimore City regarding the material facts related to the investigation and request their assistance in case preparation.
- (b) The Investigation Division Supervisor shall also coordinate all activities of the investigation to insure that a maximum effort is directed towards a successful prosecution of the case and file a report with the Deputy Chief of Police upon completion of the investigation.

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1121.3.3 DECLINE TO PROSECUTE

As part of the UMBPD liaison with the SAO, the Shift Commander (Patrol Lieutenants) and Investigation Division Supervisor will regularly confer with them to determine the reasons for a decision to decline to prosecute and/or for reviewing court dispositions and documents to assist with this process. When it is determined that such incidents have occurred, the Shift Commander or ID Supervisor will ensure that corrective action is taken against those members involved to improve performance and accountability.

1121.4 CRIMINAL JUSTICE AND SOCIAL SERVICE DIVERSION PROGRAM

1121.4.1 BACKGROUND

- (a) The UMBPD encourages utilization and support of social service agencies, in order to divert adults and juveniles out of the court system as the need arises.
- (b) UMBPD policies and procedures relating to juveniles and adults are developed utilizing feedback/input from supportive agencies. These agencies include:
 - 1. The Baltimore City Health Department;
 - 2. The Baltimore City Department Of Mental Health;
 - 3. University Of Maryland Medical Systems Psychiatric Institute;
 - 4. University of Maryland School Of Social Work - community Outreach Program;
 - 5. The Baltimore City Department of Social Services, Child Protective Services;
 - 6. The Baltimore City Department of Juvenile Services; and
 - 7. The Baltimore City Police Department's Boy's Clubs, etc.

1121.4.2 DIVERSION

When investigating juvenile cases, the investigator should recommend to parents the potential value of diverting the juvenile to a social service agency. Under certain circumstances, police officers may be faced with a situation where an arrest will not present an adequate solution to the problem. When these situations arise, officers may elect to exercise certain alternatives, such as referring the individual to a social service agency. Examples may include mentally or emotionally disturbed persons, domestic situations where counseling may be appropriate and transient persons who need shelter, food, etc.

1121.4.3 PRE-TRIAL RELEASE

- (a) The Pretrial Release of an arrested individual is governed by the District Court of Baltimore City, State of Maryland Rules 4-216 and 4-222. As a matter of routine, the UMBPD complies fully with the Maryland Rules of Judicial Process concerning pre-trial release and Maryland Rules, Volume I. & II., Court Rule 4-216, 4-222, providing procedures for a magistrate or other judicial officer to follow when releasing a person on an unsecured bond or a promise to appear.
- (b) These procedures are coordinated through the Baltimore Police Department, via the SAO and the pre-trial release arranged by the Court Commissioner of Baltimore City.

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1121.4.4 SERVING OUTSTANDING WARRANTS

- (a) Outstanding arrest warrants and/or bench warrants which may come into the possession of the UMBPD will be served in accordance with existing policy (see Policy 607 – Warrant Service). When an arrest warrant or bench warrant is received it will be reviewed by the Shift Commander and a decision made as to how priority execution shall occur.
- (b) Protective orders will be served immediately and felony warrants shall be served at any time the defendant can be located.
- (c) Other than protective orders, priority will be given to arrest warrants issued due to a defendant's failure to appear in court. Quick action in serving such warrants can significantly increase the likelihood of apprehension.