


HOWARD COUNTY DEPARTMENT OF CORRECTIONS
POLICY & PROCEDURE

	SUBJECT:	Central Booking Facility
	P & P #:	K-111
	TITLE:	Court Ordered Identification Services
	EFFECTIVE DATE:	May 19, 2020
	REVIEWED BY:	<i>Andrea King Wessels</i> Andrea King-Wessels, Deputy Director
	AUTHORITY:	<i>Jack Kavanagh</i> Jack Kavanagh, Director

POLICY: The Criminal Procedure Article, Annotated Code of Maryland, Section §10-216 allows judges to order defendants found guilty in criminal cases to be fingerprinted if their fingerprints have not been previously taken for the sentenced offense, by an agency designated by the judge. Section §2-504 of the Criminal Procedure Article, Annotated Code of Maryland, allows judges to order defendants found guilty in criminal cases to submit to DNA collection if the individual is not sentenced to a term of imprisonment. It is the policy of the Howard County Department of Corrections to appropriately provide these services at the Central Booking Facility under such circumstances.

REFERENCES: Section §10-216 of the Criminal Procedure Article, Annotated Code of Maryland; Section §2-504 of the Criminal Procedure Article, Annotated Code of Maryland; Arrest Booking System, Users Guide – January 21, 1997; and HCDC Policy E-402, Searches and Policy K-104, Processing and Identification.

DEFINITIONS:

Black Creek Jail Management System: The uniform, automated system that documents arrest and captures biographical characteristics of detainees brought into CBF. The system is integrated with the Howard County Detention Center, Jail Management System.

Central Booking Facility (CBF): A secure facility designed to provide short-term holding of adults arrested in Howard County, or juveniles waived to adult jurisdiction, through their initial appearance before the District Court Commissioner. The disposition of each detainee shall result from action taken by the District Court Commissioner or additional warrants held by other law enforcement agencies.

Central Booking Officer (CBO): A certified Correctional Officer or a Police Service Support Technician (PSST) assigned to the Central Booking Facility, who has successfully completed the CBO training program.

Officer-In-Charge (OIC): An officer at the level of Corporal or higher, who has successfully completed the CBO training program, and is assigned as lead supervisor at the Central Booking Facility post responsible for the operation of the Central Booking Facility and the actions of those officers assigned.

PROCEDURE:

I. Notification

- A. A judge will issue a Court Order directing the defendant to report to the Department of Corrections (Central Booking Facility) to be subject to booking services detailed in the Court Order.
- B. A copy of the court order will be forwarded to the Department of Corrections. These documents shall be kept in a designated file within the Central Booking Facility. The CBF/OIC is responsible for the maintenance and security of these files. The OIC shall notify the Director's office in writing if any defendant fails to report within the authorized timeframe. The OIC shall draft a letter to the designated Judge advising of the failure to appear "no show". The letter shall be forwarded to the Director for approval/signature with a copy off the Court Order attached.
- C. Defendants will present themselves to the Department for Court Ordered Fingerprinting within the timeframe specified in the order. The CBF/OIC shall ensure that if the defendant fails to appear within that timeframe, the documents are returned to the Court with the appropriate block checked (indicating "failure to appear") on the court order.
- D. Defendants who appear after the specified timeframe shall still be fingerprinted. The CBF/OIC shall forward a Letter of Appearance attached as Appendix 1 to the requesting judge.

II. Processing the Defendant for Court Ordered Identification Services

- A. Court Ordered Identification Services shall be conducted *Monday thru Friday* from *9:00 a.m. thru 3:00 p.m.* (County holidays excluded) unless otherwise approved by the Security Chief or higher authority. ***The CBF provides booking services only for defendants who have been court ordered and does not provide such service to the public for any other reason.***
*The Director/Deputy Director/Security Chief may approve fingerprint services outside of the normal schedule.
- B. The CBO shall meet with the defendant in the lobby of the Commissioner's Office located at the Central Booking Facility.
- C. The defendant must present to the CBO the following:
 - 1. A copy of the court order; and
 - 2. A valid government issued photo identification.
- D. The defendant shall be requested, prior to entering the CBF, to bring only identification and paperwork required, and to leave all other property in his/her vehicle or in the Central Booking lockers. In cases where the defendant cannot secure property prior to entering the CBF, the defendant will be required to proceed to the Detention Center to lock their belongings in the lobby lockers.
- E. The CBO shall escort the defendant from the Commissioner's lobby into the CBF. ***Only the person identified by court order shall be allowed into the processing area.***

- F. ***The defendant is not a detainee, therefore, HCDC procedures regarding the handling and secure management of detainees shall not apply to defendants.*** No PREA or suicide screening questions are required as these individuals will not remain in custody.
- G. The CBO shall search the defendant as a visitor of the Detention Center would be searched, in accordance with HCDC Policy E-402 Searches, using the handheld scan.
- H. Once in the CBF, the automated booking process will be initiated. This process includes an electronic mug shot, automated fingerprinting, and the collection of the limited biographical data necessary to complete a booking record. See HCDC Policy K-104 Processing and Identification for more guidance.
- I. Warrant checks shall be conducted on the defendant. If an active warrant is discovered, CBF staff are to contact the Shift Leader. The OIC shall immediately advise HCPD of this information and the need to arrive at CBF as soon as possible. CBF staff can only hold the individual through the court ordered fingerprinting process. If the police have not arrived, we can not unduly hold the individual.
- J. In the case of court ordered DNA collection, CBF staff shall follow instructions outlined in section II of HCDC Policy K-112 Collection of DNA.
- K. Once the booking process is completed and all applicable entries made, the CBO shall release the defendant from the **Black Creek System by selecting "Court Order Fingerprinting only."**
- L. During this process, the defendant shall not come into direct contact with detainees who are being processed.

III. Documentation

- A. The CBO shall sign the court order in the space provided and forward the document to the CBF/OIC.
- B. The CBF/OIC shall return court orders to the Court to document compliance with the order and shall maintain a copy in the CBF files.
- C. The 8 to 4 Captain shall assign a qualified officer to check weekly on the compliance of those with Court Orders. For anyone who is more than 10-days overdue, the assigned officer shall check Live Scan/CJIS to ensure the fingerprints weren't provided. Once confirmed, a letter shall be sent to the ordering judge (see Appendix 1).

IV. Directors Prerogative

The Director has the authority to revise/change a policy or post order as needed to meet the operational demands of the Department. As the changes are initiated, they may be communicated by an email, memoranda or in rare circumstances verbal due to unforeseen situations.

ATTACHMENTS: Appendix 1, Letter of Appearance.

RESCISSIONS: HCDC Policy K-111 Court Ordered Identification Services, effective May 9, 2019.



HOWARD COUNTY DEPARTMENT OF CORRECTIONS

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Date:

The Honorable Judge _____
Court House Location
Street Address
City, State, Zip code

Re:
Case No.:

Dear Judge _____,

On _____ you ordered the above referenced defendant to be fingerprinted on or before _____ at the Howard County Department of Corrections.

The above defendant failed to show during the required time-period, however, was fingerprinted on _____.

The above information is submitted for whatever action you deem appropriate.

Sincerely,

Jack Kavanagh
Director