



BALTIMORE CITY COUNCIL LAND USE & TRANSPORTATION COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the Land Use & Transportation Committee is committed to shaping a reliable, equitable, and sustainable future for Baltimore's land use and transportation systems. Through operational oversight and legislative action, the committee aims to develop and support lasting solutions grounded in principles of good governance.

The Honorable Ryan Dorsey

CHAIR

PUBLIC HEARING

4/30/2026

9:00 AM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

26-0157

Private Detention Centers - Citywide Ban

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Staff: Ethan Navarre (Ethan.Navarre@baltimorecity.gov)

**LAND USE & TRANSPORTATION COMMITTEE****The Honorable Ryan Dorsey
CHAIR****Bill Hearing***26-0157**Private Detention Centers – Citywide Ban*

Sponsor: Council President Zek Cohen

Purpose: FOR the purpose of establishing a private detention center as a prohibited use Citywide; defining certain terms; making conforming changes; and providing for a special effective date.

REPORTING AGENCIES

Agency	Report
Law Department	Approved for form & sufficiency w/ technical amendments
Planning Commission	Favorable
Dept of Transportation	Without Recommendation
Board of Municipal & Zoning Appeals	
Dept of Housing & Community Development	Favorable
Mayor's Office of Immigrant Affairs	Favorable
Mayor's Office of Equity & Civil Rights	

BACKGROUND**SUMMARY OF THE BILL**

This bill, if enacted, would:

1. Create a definition of a private detention center
 - a. Being any facility that is operated by a private nongovernment entity, even if it has a contract with a government entity. That is used in whole or in part to detain an individual:
 - i. Prior to trial or sentencing
 - ii. During the term of an individual's sentence
 - iii. For a federal immigration violation
 - iv. For other judicial or administrative proceedings or processes
2. Would add private detention centers to the list of prohibited uses in the City of Baltimore

- a. Article 32 (Zoning Code) Title 1 Subtitle 209 lists a number of uses for land in the City that are prohibited, including: crude oil terminals, nuclear power plants, & vehicle dismantling facilities.
 - b. 26-0157 would add private detention centers to that list of prohibited uses and renumber as appropriate.
3. Explicitly note that private detention centers are not a government facility
 - a. Article 32 1-307 defines a government facility – bill 26-0157 would exclude private detention centers from that list
 4. Explicitly note that private detention centers are not residential care facilities
 - a. Article 32-1-312 defines a residential care facility – bill 26-0157 would note that private detention centers are not included under that use.

The Council, in its deliberations on a zoning text amendment, does not need to find facts as it does in other land use bills (such as a rezoning), but it does need to consider the following¹:

- (1) the amendment’s consistency with the City’s Comprehensive Master Plan;
- (2) whether the amendment would promote the public health, safety, and welfare;
- (3) the amendment’s consistency with the intent and general regulations of this Code;
- (4) whether the amendment would correct an error or omission, clarify existing requirements, or effect a change in policy; and
- (5) the extent to which the amendment would create nonconformities.

PRIVATE DETENTION CENTERS IN AMERICA

Private detention centers in the US have been operating since the 1980s. At that time, we also began to see an increase in the American prison population.² In 2021, President Joe Biden issued an executive order for the federal criminal system to phase out private prisons. However, this order did not include federal detention centers for those being held for reasons tied to immigration.³

As of May 2025, in response to efforts by the Immigration and Customs Enforcement agency of the Department of Homeland Security (ICE), the population of detention centers had increased by 20% from its January 2025 population to nearly 50,000.⁴ Presently in 2026, there are nearly 70,000 in detention, and ICE has a large budget – approximately \$45 billion- specifically apportioned to expanding detention space. ICE has the largest law enforcement budget in the US, and detainees have been held at over 200 different sites across the nation⁵

Private detention centers have been the center of numerous allegations of abuse, including improper sanitation, violence against those detained, and those who are being detained being coerced to work in the detention center, in what could be regarded as a violation of the 13th Amendment of the US Constitution.⁶

¹ Zoning Code

² EBSCO

³ ACLU

⁴ NPR1

⁵ NPR2

⁶ SJP

AGENCY REPORTS

Referred City Agencies have submitted reports for this bill. The Planning Commission and accompanying Department of Planning staff report noted that this bill complied with the 2024 Comprehensive Master Plan for the City, and in its equity report noted that removing the private operation of a detention facility would allow for the public to exercise oversight and accountability in the operation of such spaces. Planning also noted that removing the inherent profit motive in the operation of a detention facility would encourage other uses for private capital in the City.

The Law Department, in its report, noted concerns that the bill may face challenges at both the Federal and State levels. At the Federal level, concerns for challenge included on a Constitutional basis for a violation of the Supremacy Clause. The specific concern is that the Federal government is exempt from local and state laws, which might constrain it from its duties, including zoning laws (the doctrine of intergovernmental immunity). Currently, there are state-wide bans in other states that have been struck down by the court. However, Law notes that dissenting opinions in those cases and the lack of an opinion from the 4th Circuit Court mean that there is a debatable position on what constitutes a violation of this doctrine. The ban at the local level may not rise to the level of substantial interference.

At the State level, the bill could potentially be challenged based on the understanding of Uniformity/ Equal Protection in the Maryland Constitution. Because this bill bans private detention centers but allows for ones owned and operated by the government, the City would need to show a legitimate governmental land use reason for why the bill bans private ownership of these facilities. The Law Department suggests that one possibility to address this might be to ban all future detention centers in the City, leaving only those which currently operate, such as the state-operated facility on Greenmount Ave.

There is currently no private detention center operating in Baltimore City, so banning these facilities from the City would not displace any existing operations that pay taxes or use City services.

REFERENCES

1. Harvard Law School Systemic Justice Project (SJP) “The Profitability of Inhumanity: How Corporate Power Gives Rise to Forced Labor in Privatized Immigration Detention”
<https://systemicjustice.org/article/the-profitability-of-inhumanity/>
2. EBSCO Research Database – “Private Prison Industry: Overview”
<https://www.ebsco.com/research-starters/law/private-prison-industry-overview>
3. American Civil Liberties Union (ACLU) “President Biden's Order to Ban Private Prisons Faces a Persistent Internal Challenge: The U.S. Marshals Service”
<https://www.aclu.org/news/criminal-law-reform/president-bidens-order-to-ban-private-prisons-faces-a-persistent-internal-challenge-the-u-s-marshals-service>
4. National Public Radio (NPR1) “Private prisons and local jails are ramping up as ICE detention exceeds capacity”
<https://www.npr.org/2025/06/04/nx-s1-5417980/private-prisons-and-local-jails-are-ramping-up-as-ice-detention-exceeds-capacity>
5. National Public Radio (NPR2) “Mapping ICE's expanding footprint, and the communities fighting back”
<https://www.npr.org/2026/03/23/g-s1-114107/ices-growing-detention-footprint-and-the-communities-fighting-back>
6. Baltimore City Code Article 32 Zoning
[https://codes.baltimorecity.gov/us/md/cities/baltimore/code/32/5-508#\(c\)](https://codes.baltimorecity.gov/us/md/cities/baltimore/code/32/5-508#(c))

Analysis by: Tony Leva
Analysis Date: 4/9/2026

Direct Inquiries to: Anthony.Leva@baltimorecity.gov

CITY OF BALTIMORE
COUNCIL BILL 26-0157
(First Reader)

Introduced by: President Cohen and Councilmembers Parker, Ramos, and Gray
Cosponsored by: Councilmembers Conway, Middleton, Bullock, Blanchard, Jones, Glover,
Dorsey, Torrence

Introduced and read first time: March 9, 2026

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of Transportation, Board of Municipal and Zoning Appeals, Department of Housing and Community Development, Mayor's Office of Immigrant Affairs, Office of Equity and Civil Rights

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Private Detention Centers – Citywide Ban**

3 FOR the purpose of establishing a private detention center as a prohibited use Citywide; defining
4 certain terms; making conforming changes; and providing for a special effective date.

5 BY repealing and re-ordaining, with amendments,

6 Article 32 - Zoning
7 Sections 1-209, 1-307(a), and 1-312(p)
8 Baltimore City Code
9 (Edition 2000)

10 BY renumbering

11 Article 32 - Zoning
12 Section 1-311(w) and (x)
13 to be
14 Section 1-311(y) and (z)
15 Baltimore City Code
16 (Edition 2000)

17 BY adding

18 Article 32 - Zoning
19 Section 1-311(w)
20 Baltimore City Code
21 (Edition 2000)

22 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**
23 Section 1-311(w) and (x), respectively, of Article 32 - Zoning of the Baltimore City Code be
24 renumbered to be Section 1-311(y) and (z), respectively.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 26-0157

Title 1. General Provisions

Subtitle 3. Definitions

§ 1-307. “Government facility” to “Industrial boat repair”.

(a) *Government facility.*

(1) *In general.*

“Government facility” means a structure or land that is operated by a government agency.

(2) *Inclusions.*

“Government facility” includes agency offices, storage yards, public works facilities, recreation: indoor, and utility facilities that are operated by a government agency.

(3) *EXCLUSION.*

“GOVERNMENT FACILITY” DOES NOT INCLUDE A PRIVATE DETENTION CENTER.

§ 1-311. “Parapet” to “Processed metal”.

(w) *PRIVATE DETENTION CENTER.*

“PRIVATE DETENTION CENTER” MEANS ANY BUILDING, FACILITY, OR STRUCTURE THAT:

(1) IS OPERATED BY A PRIVATE, NONGOVERNMENTAL ENTITY PURSUANT TO AN AGREEMENT WITH A FEDERAL, STATE, OR LOCAL GOVERNMENTAL ENTITY; AND

(2) IS USED, IN WHOLE OR IN PART, TO HOUSE OR DETAIN AN INDIVIDUAL:

(I) PRIOR TO TRIAL OR SENTENCING;

(II) DURING THE TERM OF THE INDIVIDUAL’S SENTENCE;

(III) FOR A FEDERAL IMMIGRATION VIOLATION; OR

(IV) FOR ANOTHER JUDICIAL OR ADMINISTRATIVE PROCESS OR PROCEEDING.

§ 1-312. “Property line” to “Roof deck”.

(p) *Residential-care facility.*

(1) *IN GENERAL.*

“Residential-care facility” means a group care or similar facility for the 24-hour medical or non-medical care of individuals in need of personal services, supervision, or assistance essential to sustain activities of daily living, or to protect the individual.

Council Bill 26-0157

1 (2) *EXCLUSION.*

2 “RESIDENTIAL-CARE FACILITY” DOES NOT INCLUDE A PRIVATE DETENTION CENTER.

3 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
4 enacted.

**AMENDMENTS TO COUNCIL BILL 26-0157
(1st Reader Copy)**

By: President Cohen

{To be offered to the Land Use and Transportation Committee}

Amendment No. 1

On page 1, in line 7, strike “1-209, 1-307(a), and 1-312(p)” and substitute “1-209 and 1-307(a)”; and, on page 3, after line 14, insert “(1) IN GENERAL.”; and, on that same page, in lines 16, 18, 19, 20, 21, and 22, respectively, strike “(1)”, “(2)”, “(I)”, “(II)”, “(III)”, and “(IV)”, respectively, and substitute “(I)”, “(II)”, “(A)”, “(B)”, “(C)”, AND “(D)”, respectively; and, on that same page, after line 22, insert:

“(2) EXCLUSIONS.

“PRIVATE DETENTION CENTER” DOES NOT INCLUDE A RESIDENTIAL-CARE FACILITY”;

and, strike beginning with line 23 on page 3 down through and including line 2 on page 4.

Amendment No. 2

On page 1, in lines 14 and 24, in each instance, strike “1-311(y) and (z)”, and substitute “1-311(x) and (y)”.

Amendment No. 3

On page 3, in line 16, after “IS” insert “OWNED OR”; and, on that same page, in line 18, strike “INDIVIDUAL:” and substitute “INDIVIDUAL, AT THE DIRECTION OF A GOVERNMENT AGENCY:”.

BALTIMORE CITY COUNCIL





LAND USE & TRANSPORTATION COMMITTEE

26-0157

Private Detention Centers - Citywide Ban

Agency Reports

FROM	NAME & TITLE	Eric W. Tiso,  Director of Development Oversight and Project Support	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Planning 8 th Floor, 417 East Fayette Street		
	SUBJECT	City Council Bill #25-0157 / Private Detention Centers - Citywide Ban		

DATE:

April 3, 2026

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

At its regular meeting of April 2, 2026, the Planning Commission considered City Council Bill #25-0157, for the purpose of establishing a private detention center as a prohibited use Citywide; defining certain terms; making conforming changes; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #25-0157 and adopted the following resolution:

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #25-0157 be **approved** by the City Council.

If you have any questions, please contact me at eric.tiso@baltimorecity.gov or by phone at 410-396-8358.

attachment

cc: Ms. Nina Themelis, Mayor's Office
The Honorable John Bullock, Council Rep. to Planning Commission
Mr. Justin Williams, BMZA
Mr. Geoffrey Veale, Zoning Administrator
Ms. Stephanie Murdock, DHCD
Ms. Hilary Ruley, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Luciano Diaz, DOT
Ms. Nancy Mead, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Jon Laria, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Ren Southard
Acting Director

April 2, 2026

REQUEST: City Council Bill #26-0157 - Private Detention Centers - Citywide Ban
For the purpose of establishing a private detention center as a prohibited use Citywide; defining certain terms; making conforming changes; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Brandon Kanoy

PETITIONER: Council President Cohen and Councilmembers Parker, Ramos, and Gray

OWNER: N/A

SITE/GENERAL AREA:

Site Conditions: Citywide, Not Applicable

General Area: Citywide, Not Applicable

HISTORY

N/A

CONFORMITY TO PLANS

The 2024 Comprehensive Master Plan for the City of Baltimore was enacted by Ordinance #24-426, dated December 2, 2024. This proposed text amendment aligns with the goals of the Comprehensive Master Plan to position Baltimore as a leader in equitable land development to “address systemic and historic inequities across the city.”

ANALYSIS

Background: Private detention facilities are encouraged to cut costs to ensure any private ownership can derive a profit from the operation of the facility. Prohibiting the construction and operation of private facilities removes the profit motive from incarceration. Reducing potential profitability therefore encourages other uses for private capital within the city. Planning finds it prudent to prohibit these uses and allow for more expansive conversations about the best uses of public and private dollars throughout Baltimore City.

Report continues on the following page =>

Equity:

- **Impact:**

The bill prohibits the private operation of detention facilities. This ensures that any operating facilities are required to comply with the maximum ability for public oversight and accountability.

- **Engagement:**

Staff provided notice of Planning Commission discussion of this item citywide via GovDelivery, as well as various regional notices distributed by Community Planners.

- **Internal Operations:**

The proposed legislation does not create significant operational impacts for the Department of Planning.

Recommendation: Approval

Notification: Staff sent notice of this action to subscribers via GovDelivery.



Ren Southard
Acting Director



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Timothy Keane, Acting Commissioner, Housing and Community Development
CC	Mayor's Office of Government Relations
DATE	April 22, 2026
SUBJECT	26-0157 Private Detention Centers – Citywide Ban

Position: Favorable

BILL SYNOPSIS

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 26-157 Private Detention Centers – Citywide Ban for the purpose of establishing a private detention center as a prohibited use Citywide; defining certain terms; making conforming changes; and providing for a special effective date.

If enacted, City Council Bill 26-0157 would add “private prisons” to the list of uses prohibited throughout all zoning districts within Baltimore City. If approved, this Bill will take effect on the date of its enactment.

SUMMARY OF POSITION

DHCD fully supports the intent of City Council Bill 26-157 Private Detention Centers – Citywide Ban. Should this legislation be enacted there is unlikely to be a significant impact to the agency’s enforcement responsibilities. If a private prison were to be built within the City, initial contact would most likely occur at the filing of permits for construction. Those applications would then be denied by Zoning, given the prohibited use. If, for any reason, a private prison was built without any of the required permits to do so, DHCD’s Special Investigation Unit (SIU) zoning inspectors would be called upon to investigate, as they would for any other potential zoning violation.

FISCAL IMPACT

As drafted, this Bill would have minimal fiscal or administrative impact on DHCD.

AMENDMENTS

DHCD does not seek any amendments to this Bill at this time.



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Veronica P. McBeth, Director, Department of Transportation
CC	Mayor's Office of Government Relations
DATE	April 14, 2026
SUBJECT	26-0157 • Private Detention Centers – Citywide Ban

Position: Without recommendation

BACKGROUND

Council Bill 26-0157 defines private detention centers and prevents their construction in the City by including them in the list of prohibited uses. The Department has minimal involvement in the regulation of detention facilities, participating only as it relates to the public right of way.

The Department was referred this legislation in compliance with section 5-503(b)(5) of the Baltimore City Zoning Code (Article 32), which requires the Department to submit a report on legislative authorizations pertaining to variances, conditional uses, map amendments, master plans, areas of special sign control, and planned unit developments.

RECOMMENDATION

This report serves to fulfill Zoning Code requirements and confirms that the Department is not opposed to the advancement of the proposed legislation. As such, the Department provides no recommendation on the Council Bill and defers to the findings of the Planning Commission.

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY THOMPSON
CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

April 17, 2026

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 26-0157 – Private Detention Centers – Citywide Ban

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0157 for form and legal sufficiency. The bill would create a new use category in the Zoning Code for “private detention center” and would define that use as “any building, facility, or structure that is operated by a private, nongovernmental entity pursuant to an agreement with a federal, state, or local government” and “is used, in whole or in part, to house or detain an individual prior to trial or sentencing; during the term of the individual’s sentence; for a federal immigration violation; or for another judicial or administrative process or proceeding.” The bill would exclude private detention centers from the existing definitions of “residential-care facility” and “government facility”.

As a threshold matter, the Council should note that 2026 House Bill 1017 is currently on the Governor’s desk for signature; if enacted, that bill would impose a statewide ban on the ability of private entities to operate detention centers, and would also prohibit local governments from approving the construction or operation of detention centers used by private entities. 2026 HB 1017 has a unique contingency provision stating that if this state ban is rendered unenforceable by a State or federal court, then a more limited ban would take effect that prohibits local governments from approving the construction or operation of a private detention facility *unless* the facility “is located in a zone that expressly authorizes private detention facilities.”

Either way, if 2026 HB 1017 is enacted, Council Bill 26-0157 would be redundant and, to the extent of any inconsistency with the State ban, preempted.

With that threshold matter addressed and turning to Bill 26-0157 on its own terms, the Law Department can approve it for form and legal sufficiency, but with significant caveats as explained below.

Risk of Federal Constitutional Challenge

The bill's ban could be challenged as violating the Supremacy Clause of the U.S. Constitution if the federal government decided it wanted to contract with a private party for a detention facility in the City. *See* U.S. Const. art. VI, cl. 2. As a general matter, the Supremacy Clause—and the doctrine of intergovernmental immunity arising from it—means the federal government is exempt from state and local laws—including zoning laws—that conflict with federal power bestowed by the Constitution. *See, e.g., Pan Am. Health Org. v. Montgomery Cnty., Md.*, 889 F. Supp. 234, 238–39 (D. Md. 1994), *aff'd*, 59 F.3d 167 (4th Cir. 1995).

Similar statewide bans on private detention centers (although not effected through zoning laws) have been struck down in at least two federal circuits. *See CoreCivic, Inc. v. Governor of New Jersey*, 145 F.4th 315, 319 (3d Cir. 2025) (New Jersey law preventing private parties from making, renewing, or extending contracts with the federal government to detain people for civil immigration violations violated intergovernmental immunity doctrine under the Supremacy Clause); *Geo Grp., Inc. v. Newsom*, 50 F.4th 745, 750-51 (9th Cir. 2022) (California law prohibiting a person from operating a private detention facility under contract with the federal government violated both intergovernmental immunity and preemption aspects of Supremacy Clause).

The courts in both cases found a violation of the Supremacy Clause as it pertains to the federal government's plenary immigration enforcement authority, despite the fact that the laws at issue were crafted to apply neutrally to private parties and did not *directly* attempt to regulate the federal government. *See CoreCivic*, 145 F.4th at 322, 325-26 (although “the text of the law does not apply to the federal government . . . we can easily see the law for what it really is: a regulation laid upon the contract of the government. The law prevents the federal government from choosing how and through whom it will carry out a core federal function.”) (citation modified); *Geo Grp., Inc.* 50 F.4th at 761 (“Even assuming it is a neutral regulation of private conduct, [the law] prohibits ICE from exercising its discretion to arrange for immigration detention in the privately run facilities it has deemed appropriate. Therefore, we reject California's argument that [the law] does not implicate intergovernmental immunity.”) (citation modified).

That said, at this stage, the Law Department can still approve this bill for form and legal sufficiency for a few reasons. First, the 4th Circuit (in which Baltimore is located) has not weighed in on this exact topic yet, and the dissenting opinions in both cases above indicate there is room for debate about what constitutes direct interference with federal operation for purposes of the Supremacy Clause. *See CoreCivic, Inc.*, 145 F.4th at 329-32 (“New Jersey's law no doubt affects the Federal Government's civil immigration-detention operations. But neither intergovernmental immunity nor preemption invalidates [the law] in my view. Intergovernmental immunity covers only those state laws that either *directly regulate or discriminate against the United States*. [The law] does neither. It applies only to state, local, and private entities. . . . State laws that apply only to private contractors but still affect the Federal Government, even substantially, are indirect regulations.”) (Ambro, J., dissenting) (emphasis added); *Geo Group, Inc.*, 50 F.4th at 763 (“The majority errs by extending intergovernmental immunity to nondiscriminatory, indirect regulation of the government.”) (Murguia, J., dissenting).

Moreover, both cases above implicated an existing private immigration detention center in contract with the federal government. That fact, and the breadth of a statewide bans, meant that those laws substantially interfered with the federal government’s existing immigration enforcement activities in the area. The proposed City ban, by contrast, does not implicate any existing or proposed detention centers in the City, and any existing centers would be permitted as nonconforming uses.

If the City’s ban was challenged, it is possible a court would say the City ban alone does not amount to the kind of substantial interference with federal immigration priorities at issue in the New Jersey and California cases because the ban is not statewide and there may be other detention options for the federal government nearby. *But see CoreCivic, Inc.*, 145 F.4th at 328 (noting that “even a patchwork” of such laws could frustrate the government's ends) (citation modified).

Uniformity / Equal Protection Consideration

As with any zoning regulation, the bill’s proposed ban on private detention centers must be tied to legitimate land use considerations. *See* Md. Code, Land Use, § 10-202 (in relevant part, permitting the City to regulate “the location and use of buildings, signs, structures, and land”). The ban here applies only to privately operated detention centers, not centers operated by governmental entities. By distinguishing between governmental detention centers and private detention centers, the bill could be challenged on constitutional uniformity and equal protection grounds. *See, e.g., Prince George’s Cnty. Council v. Concerned Citizens of Prince George’s Cnty.*, 485 Md. 150, 179-81 (2023) (“Maryland’s uniformity statute . . . reassure[s] property owners that they will not be subject to arbitrary or invidious discrimination or government favoritism or coercion. Modern courts, including this one, understand uniformity as a state law counterpart to the constitutional equal protection prohibition against purely arbitrary zoning classifications and restrictions, and generally apply similar principles of review.”).

If challenged, the City would need to articulate a legitimate governmental *land use* interest for using the Zoning Code to regulate private detention centers differently than governmental detention centers. To prevent this kind of challenge, the bill could be amended to ban *all* detention centers except those currently in existence. A similar ban was recently enacted by Baltimore County. *See* County Council of Baltimore County, Bill No. 14-26.

Minor Technical Amendment

On page 1 in lines 14 and 24, strike “Section 1-311(y) and (z)” in each instance and replace it with “Section 1-311(x) and (y)”.

Conclusion

The Law Department can approve the bill for form and legal sufficiency, but is duty bound to highlight the above caveats to inform the Council’s consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey Hochstetler', with a long horizontal flourish extending to the right.

Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Nina Themlis, Mayor's Office of Government Relations
Ty'lor Schnella, Mayor's Office of Government Relations
Hilary Ruley, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor
Desireé Luckey, Assistant Solicitor



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Catalina Rodriguez Lima, Director, Mayor's Office of Immigrant Affairs (MIMA)
CC	Mayor's Office of Government Relations
DATE	April 24, 2026
SUBJECT	Council Bill 26-0157 Private Detention Centers – Citywide Ban

Position: Favorable

BILL SYNOPSIS

Council Bill 26-0157 amends Article 32 (Zoning) of the Baltimore City Code to explicitly prohibit private detention centers in all zoning districts across the city. The proposed bill seeks to add “private detention centers” to the list of uses prohibited citywide. In addition, the bill establishes a clear definition of “private detention center,” including facilities operated by private entities under government contracts for incarceration or detention purposes. Finally, the bill clarifies that private detention centers are not considered government facilities or residential-care facilities under zoning definitions.

SUMMARY OF POSITION

The Mayor's Office of Immigrant Affairs (MIMA) supports Council Bill 26-0157, which establishes a clear, citywide prohibition on private detention centers through Baltimore's zoning code. Privately operated detention facilities, particularly those tied to federal immigration enforcement, have been associated nationally with reduced transparency and accountability. Prohibiting these facilities helps strengthen trust between residents and local government, an essential component of effective public safety.

Baltimore has long prioritized equity, inclusion, and the protection of vulnerable communities, including immigrants. This bill reinforces those commitments by ensuring that land use policy does not enable practices that may undermine civil rights or due process. Moreover, the intent of this bill is consistent with that of House Bill 1017, passed during the Maryland General Assembly's 2026 legislative session. Cementing this restriction at the local level echoes the state legislature's stance toward private detention facilities, while affording safeguards independent of any potential shifts at the state level.

Council Bill 26-0157 aligns with MIMA's mission to advance the well-being of immigrant families in Baltimore City and represents a proactive step toward safeguarding community trust

and dignity.

FISCAL IMPACT

The bill is not expected to have a direct fiscal impact on MIMA.

AMENDMENTS



**BALTIMORE CITY
BOARD OF MUNICIPAL
AND ZONING APPEALS**

Brandon M. Scott
Mayor

Justin A. Williams
Interim Executive Director

Members
Leland Shelton
Chair

Victor Clark
Liz Cornish
David Marcozzi
Rian Hargrave

417 E. Fayette St., Ste. 922
Baltimore, MD 21202
(410) 396-4301
zoning.baltimorecity.gov

MEMORANDUM

To: The Honorable Members of the Land Use & Transportation Committee
From: Justin A. Williams, Interim Executive Director
CC: Geoffrey Veale, Zoning Administrator
Date: April 23, 2026
Re: **CCB #26-0157 — Private Detention Centers – Citywide Ban**

This report is submitted by the staff of the Board to assist the Council in its consideration of CCB 26-0157.

I. Summary

Staff supports the intent of CCB 26-0157 — to prevent the establishment within Baltimore City of for-profit correctional and immigration detention facilities operated under contract with federal, state, or local government. Staff respectfully observes, however, that the bill’s definition of “private detention center,” as drafted, is broad enough to encompass a range of lawful, beneficial, or merely incidental uses that the Council likely does not intend to prohibit. Staff further observes that the bill’s federal immigration detention provision substantially duplicates existing state law, principally the Dignity Not Detention Act of 2021, as reinforced by Chapter 1 of 2026, such that the local bill’s most significant incremental effect is on non-immigration categories of detention. The following observations are offered for the Council’s consideration, together with two complementary amendment pathways.

II. Discussion

A. The Definition’s “In Whole or in Part” Language.

The bill would define a “private detention center” as any building “used, in whole or in part, to house or detain” an individual “prior to trial or sentencing,” “during the term of the individual’s sentence,” “for a federal immigration violation,” or “for another judicial or administrative process or proceeding,” where the building is operated by a private nongovernmental entity pursuant to an agreement with a federal, state, or local governmental entity.

Because the operative use is satisfied when the space is used “in part” to “house or detain” any individual, and because the enumerated categories in subsection (2) Because the operative use is satisfied when the space is used “in part” to “house or detain” any individual, and because the enumerated categories in subsection (2) are framed at a high level of generality, the definition may be read to reach facilities that the public would not ordinarily understand to be private prisons.

B. Coverage of Private Immigration Detention Under Existing State Law.

The prohibition on private immigration detention substantially duplicates existing state law. In 2021, the General Assembly enacted the Dignity Not Detention Act over the Governor's veto.¹ The Act prohibits the State, local governments, and specified State and local agents from entering into or renewing any "immigration detention agreement" authorizing the detention of individuals in a facility "owned, managed, or operated, in whole or in part, by a private entity"; from paying, reimbursing, subsidizing, or otherwise defraying costs related to a private immigration detention facility; and from receiving any payment related to such detention. Existing agreements were required to be terminated no later than October 1, 2022.

Of particular relevance to the City's zoning authority, the Act further prohibits the State, local governments, and specified agents from approving a zoning variance or issuing a permit for the construction of a building (or the reuse of an existing building) by any private entity for use as an immigration detention facility, unless the entity first provides at least 180 days' advance public notice of the proposed action and solicits and hears public comments in at least two separate open meetings. The Act defines "immigration detention facility" as "any building, facility, or structure used, in whole or in part, to house or detain individuals for federal civil immigration violations," which is materially identical in structure to subsection (2)(III) of the proposed local definition.

State policy in this area was further reinforced during the 2026 legislative session. Chapter 1 of 2026 (an emergency measure approved by the Governor on February 17, 2026, and codified at Md. Code Ann., Crim. Proc. § 5-104.1) prohibits the State, any unit of local government, any county sheriff, and any State or local agent from entering into any "immigration enforcement agreement" with the federal government.² The definition expressly reaches agreements made under 8 U.S.C. § 1103, § 1357 (which includes the so-called 287(g) deputization program), and any other federal law authorizing state or local enforcement of civil immigration law. Existing agreements were required to be terminated immediately on the Act's effective date. Although Chapter 1 addresses enforcement authority rather than detention facilities directly, it forecloses a category (state and local cooperation under § 1357(g)) that the Dignity Not Detention Act had expressly left untouched, and, taken together with Chapter 19, reflects a comprehensive state policy foreclosing both private immigration detention and state or local cooperation with federal civil immigration enforcement.

The practical effect is that Baltimore City is already prohibited by state law from entering into any immigration detention agreement with a private operator, and any zoning action enabling such a facility is subject to state-mandated public notice and hearing requirements. The incremental effect of CCB 26-0157 therefore lies principally in: (i) reinforcing state policy on immigration detention as a matter of local zoning prohibition, and (ii) extending a similar prohibition to *non-immigration* categories of

detention that neither the Dignity Not Detention Act nor Chapter 1 of 2026 reaches. This observation is relevant to the amendment analysis that follows: the categories *most likely to sweep in unintended uses* are also the categories where local action adds the most beyond existing state law. Narrowing those categories would not leave a regulatory gap for immigration detention or enforcement, both of which are already comprehensively addressed by state law.

C. Short-Term Holding Incidental to Another Use.

Staff is aware of several facilities within the City that contain secure holding rooms or cells that are used, at most occasionally and briefly, to secure an individual prior to transfer to law enforcement. M&T Bank Stadium, for example, has been publicly described as containing multiple holding cells used to temporarily secure field intruders and other individuals detained by private security personnel before they are turned over to the Baltimore Police Department for criminal processing.³ Analogous short-duration holding spaces exist at other event venues and transportation facilities.

Few would characterize these spaces as “detention centers” in any ordinary sense. Nevertheless, the combination of (i) private operation, (ii) a contractual or cooperative relationship with a governmental entity, and (iii) the temporary housing of individuals “prior to trial” may bring them within the literal terms of the proposed definition.

D. Residential Reentry Centers, Treatment Facilities, and Similar Uses.

Of greater practical significance, the proposed definition may reach facilities whose mission is the opposite of traditional private incarceration — facilities whose purpose is to divert individuals away from custodial settings. Three related observations warrant attention.

- (i) ***Federal Residential Reentry Centers.*** The only federal Residential Reentry Center (“RRC”) in Maryland, operated by Volunteers of America Chesapeake, Inc. at 5000 E. Monument Street, has served this function since 1976 and serves approximately 600 adults annually.⁴ The facility operates under contract with the Federal Bureau of Prisons and the U.S. Pretrial Services Office, and it houses individuals both as an alternative to pretrial detention and during the final portion of a federal sentence.⁵ Every element of the proposed definition is satisfied: the operator is a private, nongovernmental entity; it operates pursuant to an agreement with a federal governmental entity; and the facility houses individuals both “prior to trial or sentencing” and “during the term of the individual’s sentence.”
- (ii) ***Court-Ordered Residential Treatment.*** Maryland law routinely provides for residential substance-use and mental-health treatment as an alternative to, or condition of, incarceration. See, e.g., Md. Code Ann., Health-Gen. § 8-507; Md. Code Ann., Crim. Proc. § 6-220. Where a private provider delivers such treatment pursuant to a contract or memorandum of understanding with the Department of

Public Safety and Correctional Services, the Division of Parole and Probation, the Drug Treatment Court, or another governmental entity, and the client is placed at the facility pursuant to a judicial or administrative order, the literal terms of the proposed definition, particularly subsection (2)(IV)'s reference to "another judicial or administrative process or proceeding," may be satisfied. Comparable questions arise with respect to juvenile residential facilities operating under contract with the Maryland Department of Juvenile Services and private psychiatric facilities receiving individuals on involuntary commitment orders.

(iii) ***The Bill's Residential-Care Facility Provision Does Not Resolve This Concern.***

The bill appears to reflect some consideration of the overlap identified above. Section 2 would add a new § 1-312(p)(2) providing that "'Residential-care facility' does not include a private detention center." Given that a "residential-care facility" is defined as a "group care or similar facility for the 24-hour medical or non-medical care of individuals in need of personal services, supervision, or assistance essential to sustain activities of daily living, or to protect the individual," the drafting appears to have anticipated that certain care facilities could meet both definitions.

As drafted, however, the provision does not clearly function as a carve-out shielding residential treatment facilities from the new prohibition. It appears to operate in the opposite direction: it is a definitional tiebreaker under which, where a facility would otherwise satisfy both definitions, the "private detention center" designation controls, the "residential-care facility" classification is displaced, and the facility becomes a prohibited use. The provision thus narrows, rather than preserves, the scope of permitted residential-care facilities, and it does not address the concern that a privately operated residential substance-use or mental-health treatment program may fall within the "private detention center" definition as drafted.

Sweeping these facilities into a prohibited-use classification would, over time, render existing facilities nonconforming, foreclose expansion or replacement, and work against public-safety, public-health, and reentry goals the City has long supported.

E. Potential Amendment Pathways.

The Board staff suggests, without recommending any particular course, that the Council may wish to consider one or both of the following in order to align the bill's operative text with its evident purpose.

- (i) ***A Duration or Principal-Use Threshold.*** The definition could be narrowed by limiting its reach to facilities whose "primary use" or "principal purpose" is the detention of individuals, or by introducing a minimum duration (for example, detention "for a continuous period of more than 24 hours") beyond which short-term or incidental holding would not bring a facility within the definition. A threshold of this kind would address incidental holding cells at stadiums, arenas, and other

event venues, but it would not, standing alone, remove residential reentry centers or long-term court-ordered treatment from the scope of the prohibition.

- (ii) *Targeted Exclusions, or an Uncodified Statement of Legislative Intent.* The definition *could* be paired with an express exclusion for (i) residential reentry centers and similar community-corrections facilities operating under contract with the Federal Bureau of Prisons, the Maryland Department of Public Safety and Correctional Services, or the Division of Parole and Probation; (ii) residential substance-use disorder or mental-health treatment facilities licensed by the Maryland Department of Health; (iii) juvenile residential facilities operating under contract with the Maryland Department of Juvenile Services; and (iv) holding areas that are clearly incidental to a principal use otherwise permitted by this Code. In the alternative, or in addition, an uncodified section setting forth the Council’s statement of intent—clarifying that the ordinance is not intended to prohibit facilities of the kinds identified above—would provide an interpretive anchor for reviewing agencies and courts without altering the codified definition.

The two approaches are complementary. A duration or principal-use threshold narrows by the *character* of the use; targeted exclusions narrow by category of facility. Either, or both in combination, would help ensure that the ordinance is construed and applied consistent with the sponsors’ stated aims.

III. Conclusion

Staff supports the intent of CCB 26-0157. Because existing state law, the Dignity Not Detention Act of 2021 and the 2026 prohibition on immigration enforcement agreements, already comprehensively addresses federal immigration detention and enforcement, the local bill’s most durable contribution will be its extension of similar protections to the non-immigration categories of detention that state law does not reach, which are also the categories where the definitional concerns identified above are most acute.

Staff offers these observations to assist the Council in ensuring that the operative language of the ordinance, if adopted, tracks that intent without sweeping in lawful uses the Council likely does not intend to prohibit. Staff stands ready to provide additional analysis on request.

For any questions regarding this report or to discuss these concerns further, please contact **Justin Williams** at justin.williams@baltimorecity.gov or (410) 396-4301.

ENDNOTES

1. Correctional Services – Immigration Detention – Prohibition (Dignity Not Detention Act), ch. 19, 2021 Md. Laws 1st Spec. Sess. (enacted Dec. 2021 by override of the Governor’s veto); see Md. Dep’t of Legis. Servs., Fiscal and Policy Note for H.B. 1006, at 3–5 (2025 Sess.), https://mgaleg.maryland.gov/2025RS/fnotes/bil_0006/hb1006.pdf (summarizing the operative provisions of Chapter 19).
2. 2 Public Safety – Immigration Enforcement Agreements – Prohibition, ch. 1, 2026 Md. Laws (emergency measure approved by the Governor Feb. 17, 2026) (codified at Md. Code Ann., Crim. Proc. § 5-104.1).
3. See Andy Kostka, Lionel Messi Is Set to Play in Baltimore. Beware of Field Invaders., Balt. Banner (Mar. 6, 2026), <https://www.thebanner.com/sports/lionel-messi-superfans-mt-bank-stadium-DGS2PFR2CFDKBLSHVHVOJO44FU>
4. Volunteers of Am. Chesapeake & Carolinas, Residential Re-Entry Center, <https://www.voachesapeake.org/residential-re-entry-maryland/> (last visited Apr. 23, 2026).
5. See 18 U.S.C. § 3624(c) (directing the Bureau of Prisons to place inmates, to the extent practicable, in pre-release conditions including residential reentry centers); Admin. Office of the U.S. Courts, Residential Reentry Centers Reference Guide (Mar. 2020), <https://www.uscourts.gov/file/28164/download>



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Amber Greene, Chief Equity Officer Director, Office of Equity & Civil Rights
CC	Mayor's Office of Government Relations
ANALYST	Zachary Wellman, Equity Policy Analyst
DATE	April 30, 2026
SUBJECT	OECR Report on Baltimore City Council Bill 26-0157 Private Detention Centers – Citywide Ban

POSITION: Favorable

BILL SYNOPSIS

The Office of Equity and Civil Rights (OECR) has reviewed and is herein reporting on City Council Bill 26-0157 – *Private Detention Centers – Citywide Ban*.

This is an ordinance that accomplishes the following:

- Define private detention centers in the context of land use.
- Prohibit private detention centers as a land use in all zoning districts citywide.
- Provide for an immediate effective date of the ordinance.

The bill accomplishes this by amending Article 32- Zoning, Sections 1-209, 1-307(a), 1-311, and 1-312(p) of the Baltimore City Code.

SUMMARY OF POSITION

The Office of Equity & Civil Rights (OECR), as the agency that houses the Police Accountability Board (PAB) and facilitates adherence to the City's Equity Assessment program, is committed to upholding the principles of equity and a transparent, accountable justice system. In alignment with these values, the OECR supports the intent of City Council Bill 26-0157 to prohibit, in all zoning districts of the City, the establishment or operation of private detention centers. Private detention facilities represent a capitalization on this nation's woeful justice system by permitting the profit motive to expropriate societal incapacitation and rehabilitation needs, to the detriment of true justice for all parties.

Private detention facilities, as business entities that generate revenue from the incidence of criminal activity, civil immigration violation, or conviction resulting in incarceration, have no

core incentive to reduce recidivism or re-detainment through rehabilitation or social services. They also overburden detained individuals and their families with financial responsibility for medical care, commissary, and phone calls to maintain family connections; inelastic services provided by detention facilities that have spawned rent-seeking industries in themselves. This approach to corrections is antithetical to contemporary understanding of best practices to reduce recidivism. According to a 2016 bulletin from the Department of Justice's Federal Bureau of Prisons (BOP), evidence-based corrections strategies for reducing recidivism are rooted in addressing foundational needs, includingⁱ:

- Providing Education
- Prioritizing Mental Health Treatment
- Job Skill Development
- Job placement
- Ensuring Substance Abuse Treatment
- Maintaining Family Ties
- Assisting Individuals in Attaining Necessary Documentation
- Phasing Out the BOP's Use of Private Detention Facilities

It is for this reason that, in a 2016 memo to the BOP, Deputy Attorney General Sally Yates instructed that the Department of Justice would be ultimately ending its use of private prisons by declining to renew contracts with said facilitiesⁱⁱ. Additionally, in compliance with the January 2021 Executive Order *Reforming Our Incarceration Systems to Eliminate the Use of Privately Operated Criminal Detention Facilities* by President Joe Biden, the BOP ended all contracts with privately managed prisons by December 1, 2022. With that executive order, the Attorney General was henceforth prohibited from renewing any federal private prison contracts until the Trump Administration resumed the practice by rescinding the executive order on January 20, 2025^{iii iv}.

The Office of Equity & Civil Rights concurs with this discontinuation of privatizing detention as a pathway to improve equitable outcomes for incarcerated individuals, victims and their families, innocent pre-trial detainees, and individuals detained on civil immigration law violations.

EQUITY ASSESSMENT

The Office of Equity & Civil Rights has conducted an equity assessment on the citywide impact of Council Bill 26-0157 – *Private Detention Centers – Citywide Ban*. The results of this assessment conclude that private detention centers endanger the civil rights of Baltimore residents and constitute a peril to making the City equitable in the following ways, should they be established in the absence of this bill:

Mass Incarceration

Fundamentally, privately owned/operated detention is a practice that has been adopted to address a significant concern for the state: too many people are incarcerated to be accommodated within the finite space of local, state, and federally owned correctional

facilities. The underlying cause of this concern stems from mass incarceration due to the overcriminalization of marginalized (particularly Black) people, the War on Drugs, and a resistance in policy to commit to diversionary tactics that would prevent people from becoming justice-involved in the first place. Maryland's Department of Public Safety and Correctional Services is not an exception to this. Notably, as of fiscal year 2023, the percentage of Maryland's incarcerated population who were black was 72.4%, the highest of any state and over double that of the national average. This is despite Black Marylanders representing less than one-third of the state's total population. Additionally, nearly 8 in 10 people who have served 10 years or more and were sentenced between the ages of 18 and 24 are Black. As a result, Black Marylanders have been disproportionately burdened with excessive sentencing and punitive incarceration^v. Private detention facilities are a response to a systemic policy failure that has resulted in 580 per 100,000 (or nearly 2,000,000 total) United States residents being incarcerated in some form, the highest of any comparable nation; in fact, the total abolition of all private detention and release of the detainees therein would immediately shrink the United States carceral population by 8.6%^{vi}.

Consequently, Mayor Brandon Scott, in recognition of the systemic failure of the justice system, has committed to mitigating the role Baltimore plays in mass incarceration, particularly of Baltimore's young Black residents. Mayor Scott established the Mayor's Office of Neighborhood Safety and Engagement (MONSE) in 2020 to implement the City's Comprehensive Violence Prevention Plan to address the root causes of violence by improving public safety citywide. The plan uses a public health approach, which means it focuses on healing people, reducing harm, and supporting safer communities. MONSE has also identified diversion from the justice system and/or pre-justice-system intervention as among the most effective ways to improve public safety outcomes. This led to the launch of the SideStep Pre-Arrest Youth Diversion pilot program and Group Violence Reduction Strategy in 2022. To this extent, the prohibition of private detention facilities within Baltimore City is not only consistent with Mayor Brandon Scott's priority to end the cycle of mass incarceration, but also his approach to improving public safety and equity for residents most vulnerable to becoming justice-involved.

Immigrant Communities

As of March 2026, of the approximate 1.9 million people detained in the United States for non-immigration-related reasons, approximately 127,000 were held in private detention facilities across the country. This is in stark contrast to the approximately 43,000 of the 71,000 people held nationally by Immigration and Customs Enforcement and the Office of Refugee Resettlement for civil immigration enforcement being held in privately owned/operated facilities^{vi}. This is indicative that the equity, civil rights, and ethical concerns of private detention have a disparate impact on immigrants, their

families, and those racially profiled as immigrants. Because of the overreliance of private detention centers to house those detained based on civil immigration law and the fact that Maryland's DPPCS does not contract with private entities for detainment, any establishment of private detention facilities in Baltimore would likely be on behalf of the federal government for civil immigration detainment. Therefore, an effective method to protect Baltimore's immigrant communities and curb their confinement is to prevent the establishment or operation of private detention facilities in the City altogether.

Local Development

The City of Baltimore does not oversee any correctional system nor does it control any of the detention or correctional facilities within the city, including Baltimore City Correctional Center, Baltimore Central Booking and Intake Center, Chesapeake Detention Facility, Maryland Reception, Diagnostic and Classification Center, Metropolitan Transition Center, or the Youth Detention Center. These facilities are units of the State of Maryland's Department of Public Safety and Correctional Services. If a private detention center were to be established within city limits, it would be operated by either the State of Maryland or, in the context of civil immigration enforcement, the federal government. Therefore, any contract, development, or revenue generated therein would not directly benefit the City and would be on behalf of the state or federal government. If not prohibited, there is an opportunity cost associated with the capital used to establish private detention centers in the city that could alternatively be used to invest in the city otherwise. This could include avenues that bolster the Baltimore economy, increase the housing supply, or more equitably develop disinvested Baltimore communities in ways that directly benefit residents, as opposed to investing in their incarceration.

Private detention facilities have also raised several concerns related to oversight, accountability, and public health equity. Opponents have argued that offloading a core governmental function, such as confinement, to private entities results in the public being unable to adequately supervise the correctional system for violations of civil rights, ethical operation, and abuse. As for-profit business entities, these institutions have a fiduciary responsibility to maximize revenue while minimizing expenses. To achieve this, many necessary functions of detention facilities are financialized, such as the provision of healthcare, and must be financially offloaded to detainees. The intrinsic profit motive of these businesses to maximize detainment also means their financial interests are inherently opposed to improving public health outcomes that mitigate detainment by addressing the social strain-based sources of incarceration. A health equity approach to crime would seek governmental investment into education, food access, shelter, public safety, and community development, as opposed to expanded carceral capacity.

As a development of the aforementioned considerations, the Office of Equity & Civil Rights

concludes that City Council Bill 26-0157 should consequently have a clear positive impact on citywide equity.

FISCAL IMPACT

City Council Bill 26-0157 is not expected to have any direct operational, investigatory, or enforcement outcomes that involve the OECR or any of the boards and commissions staffed by the agency. As such, the OECR does not identify any foreseeable fiscal impacts to the office associated with the legislation.

CONCLUSION

Council Bill 26-0157 intends to ban all private detention centers within Baltimore City outright. The OECR discerns no inequity in the intent, purpose, or impact of this initiative. On the contrary, the office finds the preemptive safeguard against for-profit incarceration and mass civil detention of immigrant residents in the city to be justifiable in the pursuit of defending vulnerable residents' civil rights. As such, the Office of Equity and Civil Rights respectfully requests a **favorable** committee report on City Council Bill 26-0157.

Respectfully Submitted,



Amber Greene

Director, Office of Equity & Civil Rights

ⁱ U.S. Department of Justice. (2025, June 5). *Prison reform: Reducing recidivism by strengthening the Federal Bureau of Prisons*. Department of Justice Archive. <https://www.justice.gov/archives/prison-reform>

ⁱⁱ Sullivan, E. (2023, December 5). *Obama administration to phase out some private prison use*. AP News. <https://apnews.com/united-states-government-567c4b8693044e2c98e3d6fb81682c1f>

ⁱⁱⁱ Federal Bureau of Prisons. (2022, December 1). *Bop ends use of privately owned prisons*. Federal Bureau of Prisons. https://www.bop.gov/news/20221201_ends_use_of_privately_owned_prisons.jsp

^{iv} Southern Poverty Law Center. (2025, April 28). *Trump order ended prohibition on Private Federal Prisons*. Southern Poverty Law Center. <https://www.splcenter.org/resources/guides/trump-executive-order-private-federal-prisons/>

- ^v Woelful, L. (2024b, April 17). *As pandemic eases, share of black inmates in Maryland prisons Peaks - Maryland matters*. Maryland Matters. <https://marylandmatters.org/2024/04/17/as-pandemic-eases-share-of-black-inmates-in-maryland-prisons-peaks/>
- ^{vi} Sawyer, W., Nam-Sonenstein, B., & Wagner, P. (2026, March 11). *Mass incarceration: The whole pie 2026*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/pie2026.html>

BALTIMORE CITY COUNCIL



LAND USE & TRANSPORTATION COMMITTEE

26-0157

Private Detention Centers - Citywide Ban

Additional Materials

Baltimore City

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 26-0157**

The Land Use & Transportation Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 26-0157 on Thursday, April 30, 2026, at 9:00 AM in the Clarence "Du" Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public may be able to observe the hearing virtually, depending on the availability of the technology, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

Private Detention Centers - Citywide Ban

FOR the purpose of establishing a private detention center as a prohibited use Citywide; defining certain terms; making conforming changes; and providing for a special effective date.

Applicant: Zeke Cohen - Council President. Council Members Odette Ramos, Paris Gray, & Mark Parker

For more information, contact committee staff at (410) 396-1091.

NOTE: This bill is subject to amendment by the Baltimore City Council.

Ryan Dorsey
Chair

ap15 4147755

BALTIMORE CITY COUNCIL



LAND USE & TRANSPORTATION COMMITTEE

26-0157

Private Detention Centers – Citywide Ban

Public Testimony



Testimony for the Land Use & Transportation Committee

Council Bill 26-0157– Private Detention Centers – Citywide Ban

FAVORABLE

April 30, 2026

The ACLU of Maryland supports Council Bill 26-0157, which adds private detention centers to the list of prohibited uses in section 1-209 of the Zoning Article in the Baltimore City Code. The principles this bill advances are essential to public accountability and to the city’s fundamental obligation to ensure that people deprived of their liberty and communities are not subject to unsafe environments.

TIERRA BRADFORD
SENIOR POLICY COUNSEL

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COREY STOTTLEMYER
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

Across systems of detention, criminal, civil, and administrative, we have seen a dangerous trend toward expanding carceral capacity through expediency rather than care. The federal government is purporting to use warehouses, and other structures never intended to confine human beings for detention with little to no public input from state and local governments or the communities.¹ Council Bill 26-0157 draws a necessary and principled line by expressly stating that the use of private detention facilities that have little to no regard for the wellbeing of the people detained in them or the communities in which they reside have no place in Baltimore city.

Detention is one of the most severe exercises of government power, in which it assumes complete responsibility for that person’s safety, medical care, and basic human needs. Facilities not designed for detention will inevitably fail to meet those obligations. Current improvised detention spaces, like the now infamous Alligator Alcatraz, or Ft. Bliss, a tent-like camp on a military base, are associated with overcrowding, medical neglect, and multiple deaths.² These failures are not isolated accidents—they are the predictable result of placing human beings in hastily built cages with no regard for their humanity.

Across the detention landscape, privatization has created powerful financial incentives to cut corners, reduce staffing, and minimize

¹ Jonathan O’Connell & Douglas MacMillan, ICE Buys Warehouses for Mass Detention Network, Rattling Locals, Wash. Post (Jan. 30, 2026), available at <https://www.washingtonpost.com/investigations/2026/01/30/ice-warehouse-detention-dhs-immigration/>

² ICE Letter re: Fort Bliss, American Civil Liberties Union (Dec. 8, 2025), available at <https://www.aclu.org/documents/ice-letter-re-fort-bliss>

medical and mental health care.³ Private detention operators often function with little transparency, shielded from public records laws and routine oversight, even while exercising coercive power over people's lives. This lack of accountability undermines public trust and erodes constitutional and human rights protections. Additionally, any concern about federal preemption should not deter this body from acting. Cities have long exercised their right to regulate health, safety, land use, and the operation of detention facilities within their jurisdiction.

Council Bill 26-0157 challenges us to confront a deeper question that cuts across all systems of detention: how comfortable are we in allowing human confinement to expand in the shadows, driven by cruelty, convenience, and profit rather than necessity and care? People in detention—whether accused, convicted, or held under civil authority—remain human beings. They do not lose their right to safety, dignity, or basic decency at the moment a door locks behind them. For these reasons, we respectfully urge the Committee to issue a favorable report on Council Bill 26-0157.

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

³ Immigrants Sue Trump Administration Over Inhumane Conditions at California's Largest Immigration Detention Center, American Civil Liberties Union (Nov. 13, 2025), available at <https://www.aclu.org/press-releases/immigrants-sue-trump-administration-over-inhumane-conditions-at-californias-largest-immigration-detention-center>

Leva, Anthony F (City Council)

From: Joann Robinson <jooiman64@gmail.com>
Sent: Tuesday, April 28, 2026 1:19 PM
To: Testimony
Cc: Anthony.vega@baltimorecity.gov; Ramos, Odette (City Council)
Subject: CB 26-0157

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Members of the City Council,

I urge you to pass CB 26-0157, prohibiting private detention centers from being established in Baltimore City. I am horrified by reports from elected officials, immigrant advocates and others who have first-hand experiences with the conditions in these centers. They have no place in a humane society and violate every tenet of democracy. The private operators flaunt accountability and are drawing substantial profits from the life-threatening mistreatment of those who are under their control and who have been deprived of their constitutional rights. Such horrific places should not exist anywhere, and we certainly don't want them in our city.

Jo Ann O. Robinson
3012 Abell Avenue
410 370 7447.

Private detention facilities have no place in Baltimore, and I applaud the City Council for pushing to ban them from our city. I am in full support of the bill's contents. However, I believe the wording of the corresponding Maryland State Senate Bill (SB0984) is stronger and clearer than the wording of Baltimore City's version. I support the reconciliation of CB26-1057 to match that of SB0984 where the two versions diverge.

I also and specifically want to name that no exceptions should be carved out for preexisting detention spaces operated by private entities. In particular, this bill, if passed, should prompt the removal of the immovable restraining bar in the Roll Call Room at the Remington Campus Safety Office of Johns Hopkins University, which the Johns Hopkins Police Department (JHPD) intends for use "*as a fixed object to secure a person in custody by attaching a single handcuff to the bar*" while those individuals "*remain in ankle restraints.*" (See page 18 of the JHPD's Operational Procedure #412 on Custody, Transport & Processing). It is absurd and offensive for a university to maintain a space where individuals detained by a private police force can be chained to the wall. It is equally offensive that the JHPD, on the same page where they describe this bar, claims that the JHPD "*does not operate a holding facility, possess holding cells, or have rooms equipped for the detention of people in custody.*" Exactly what kind of "equipment," then, is a restraining bar explicitly intended for securing handcuffed people?

JHU claims that its restraining bar will be used for people "*only being cited and released or referred and released to an allied criminal justice agency, guardian, or community caretaker,*" but under current policy, I am aware of nothing that actually stops them from using the restraining bar to hold someone for an indefinite period should they feel the need or desire to do so. If this bill is not construed to apply to the Roll Call Room simply because the JHPD does not refer to that room as a "holding facility," then the Roll Call Room will effectively function as an exemption to the law, which is contrary to its spirit and purpose.

Passing CB26-1057 with strengthened, clarified language, and ensuring it is free of loopholes, is an important step toward a more just Baltimore.

Testimony FOR CB 26-0157
Land Use and Transportation Committee

April 29, 2026

Dear Councilman Dorsey,

I am writing to support CB 26-0157 to ban private detention centers in Baltimore.

This bill is important to prevent ICE from establishing (or contracting for) private detention centers that could be used to harm our immigrant neighbors. It's also necessary to stop the detention facility operated by the Johns Hopkins University Police Department (JHUPD).

[JHUPD Policy #412](#), states that they will handcuff people they arrest to a metal bar and place them in ankle restraints (p. 18):

The Roll Call Room at the Remington Campus Safety Office is equipped with an immovable restraining bar to secure a person in custody who is only being cited and released or referred and released to an allied criminal justice agency, guardian, or community caretaker. The restraining bar may be used by an officer as a fixed object to secure a person in custody by attaching a single handcuff to the bar. While attached to the restraining bar, people in custody will remain in ankle restraints and under the constant supervision of the arresting officer.

A private university should not be able to detain citizens in any private facility. That is the responsibility of publicly accountable law enforcement agencies. This bill would stop JHUPD from doing that.

I recommend that you also consider aligning the language of CB 26-0157 with the General Assembly's [HB1017](#) to stop private detention centers throughout Maryland.

Sincerely,

Emil Volcheck
3040 Guilford Ave.

Email: volcheck@acm.org

Leva, Anthony F (City Council)

From: Joan Floyd <joanfloyd@hotmail.com>
Sent: Thursday, May 7, 2026 9:50 AM
To: Leva, Anthony F (City Council)
Subject: Bill 26-0157 - Private Detention Centers
Attachments: 412-Custody-Transport-and-Processing-FINAL (2).pdf

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Tony:

1)Mr. Kushan Ratnayake is e-mailing you a pdf of his written testimony, which I submitted in hard copy on April 30.

2)Below is the e-mail that I submitted at the end of my oral testimony on April 30.

3) The attached JHU document is complete, whereas on April 30 I submitted a hard copy of selected pages. This pdf will have to do for the bill file, unless you are able to make a pdf of just the pages I submitted.

Thank you for your assistance.

- Joan Floyd

From: Joan Floyd <joanfloyd@hotmail.com>
Sent: Thursday, April 30, 2026 3:45 AM
To: Dorsey Ryan (City Council) <ryan.dorsey@baltimorecity.gov>; Cohen, Zeke (City Council) <zeke.cohen@baltimorecity.gov>; paris gray <paris.gray@baltimorecity.gov>; Middleton, Sharon (City Council) <sharon.middleton@baltimorecity.gov>; Phylcia Porter <phylcia.porter@baltimorecity.gov>; Mark Parker <mark.parker@baltimorecity.gov>; Bullock, John (City Council) <john.bullock@baltimorecity.gov>; Blanchard, Zachary (City Council) <zachary.blanchard@baltimorecity.gov>
Cc: Ramos, Odette (City Council) <odette.ramos@baltimorecity.gov>
Subject: Re: Bill 26-0157 - Private Detention Centers

Committee Chair, Members, and President Cohen:

Here is a definition of "Private Detention Facility" that I believe conforms to the plain, inclusive language of Chapter 0173:

(w) Private Detention Facility

1. In General: "Private Detention Facility" means any building, facility, or structure that is operated by a private entity and is used, in whole or in part, to house or detain individuals for civil or criminal violations.
2. Inclusions: A building, structure, or other real property shall be considered as proposed for use as a detention facility, regardless of how the use is described in an application or permit request, if: (a)

Individuals are intended to be held in involuntary custody and will not be free to leave; or (b) The design, construction, or improvements include features consistent with secure or involuntary confinement.

3. Exclusions: "Private detention facility" does not include a hospital, health-care clinic, or residential-care facility.

From: Joan Floyd <joanlfloyd@hotmail.com>

Sent: Wednesday, April 29, 2026 9:44 PM

To: Dorsey Ryan (City Council) <ryan.dorsey@baltimorecity.gov>; Cohen, Zeke (City Council) <zeke.cohen@baltimorecity.gov>; paris gray <paris.gray@baltimorecity.gov>; Middleton, Sharon (City Council) <sharon.middleton@baltimorecity.gov>; Phylcia Porter <phylcia.porter@baltimorecity.gov>; Mark Parker <mark.parker@baltimorecity.gov>; Bullock, John (City Council) <john.bullock@baltimorecity.gov>; Blanchard, Zachary (City Council) <zachary.blanchard@baltimorecity.gov>

Cc: Ramos, Odette (City Council) <odette.ramos@baltimorecity.gov>

Subject: Bill 26-0157 - Private Detention Centers

President Cohen and Committee Chair and Members:

The online file for Bill 26-0157 contains reports and amendment requests that do not take into account the fact that a ban on Private Detention Facilities is now State law.

HB 1017 has been signed into law as Chapter 0173.

The language of Chapter 0173 is plain and inclusive, and it contains the necessary health-related exclusions. Let's follow it.

I would ask that instead of spending time discussing unnecessary details or what-ifs, we use the State ban as our starting point.

- Joan Floyd

Testimony in SUPPORT of CB26-0157

I am submitting this testimony to urge you to SUPPORT CB26-0157 which would ban private detention centers in Baltimore City. I believe most of City Council does not need to be convinced about the need to protect our neighbors who are being terrorized by ICE.

However, I wanted to bring the issue of private detention by the Johns Hopkins Police Department (JHPD) to the attention of City Council. Because while JHPD's Custody, Transport & Processing policy says that it "does not operate a holding facility, possess holding cells, or have rooms equipped for the detention of people in custody" (p. 18), it also says on that same page that: "The Roll Call Room at the Remington Campus Safety Office is equipped with an immovable restraining bar to secure a person in custody who is only being cited and released or referred and released to an allied criminal justice agency, guardian, or community caretaker. The restraining bar may be used by an officer as a fixed object to secure a person in custody by attaching a single handcuff to the bar. While attached to the restraining bar, people in custody will remain in ankle restraints and under the constant supervision of the arresting officer."

I believe the language of this bill should already apply to this "restraining bar". If it does not, then I urge City Council to introduce and support an amendment to explicitly prohibit the intended use of this "restraining bar" for temporary detention prior to initial processing.

The spirit of this bill should prohibit all private overreach of authority regarding detention and holding facilities. Even if Johns Hopkins claims their policy is to not work with ICE, that should not matter. Furthermore, we know that Columbia University allowed immigration officers to arrest a student on their campus earlier this year, which goes against their policy. This happened simply because ICE lied; the immigration officer posed as police in search of a missing child. As long as ICE is allowed to impersonate law enforcement, Johns Hopkins' stated policies do not mean much. We also know that JHPD will work with law enforcement with little transparency as evidenced by the circumstances surrounding the incident which occurred at 123 W. 29th Street on 24 January 2026; JHPD has denied a request for the police report(s) from that incident (a Public Information Act Complaint has been filed in Baltimore City Circuit Court). Johns Hopkins cannot be trusted with its already existing private holding facility either. This bill should prohibit it.

Kushan Ratnayake
700 N Howard St.
Baltimore MD, 21201



POLICE DEPARTMENT

**CUSTODY, TRANSPORT
& PROCESSING**

**OPERATIONAL
PROCEDURE #412**

Responsible Executive:
Chief of Police
Responsible Office:
Vice President for Public Safety
Approved by:
Dr. Branville G. Bard Jr.
Issued: 07/25/2024
Revised: 01/06/2026

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Policy Statement

The Johns Hopkins Police Department (JHPD) recognizes that officers are responsible for the safety and security of persons in their custody and that all people should be treated with dignity and respect. All persons in police custody will be restrained and transported in such a manner as to prevent escape and to provide for the safety of the public, the person in custody, and officers.

Who Is Governed by This Policy

All sworn police officers, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD are governed by this Directive.

Purpose

The purpose of this Directive is to ensure the safety and security of people in custody, officers, facility staff, and the public when a person is taken into custody and transported for processing and detention.

Definitions

Arrest:	<p>The taking, seizing, or detaining of a person by any act that indicates an intention to take the person into custody by a JHPD officer, and that subjects the person to the actual control and will of the officer making the arrest. An arrest is effected:</p> <ol style="list-style-type: none">(1) When the arrestee is physically restrained, or(2) When the arrestee is told of the arrest and submits. <p>An arrest requires probable cause that a crime was committed or is being committed.</p>
Booking:	<p>For purposes of this Directive, booking is a procedure for admitting a person charged with an offense to a holding facility; this includes searching, fingerprinting, photographing, medically screening, collecting personal history data, and inventorying and storing a person's property.</p>
Constant Supervision:	<p>The direct, personal supervision and control of a person in custody by the arresting or attending officer who can see and hear the person in custody and can immediately intervene on behalf of the agency or the person in custody when the person in custody is in need of medical assistance.</p>
Contraband:	<p>Anything in the possession—on the person in custody; within their lunge, reach, or grasp; or in and around their confined area—that is illegal to possess or not authorized by JHPD directives.</p>
Custodial Search:	<p>A search of a person who is in police custody. This includes a search of the person in custody and their property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, evidence, and contraband.</p>
Disabled Person in Custody:	<p>For purposes of this Directive, a person in custody as defined by this Directive who possesses an anatomical, physiological, or behavioral health condition or impairment that inhibits mobility or functioning.</p>
Hog-Tying:	<p>When a subject is deliberately restrained in a position of discomfort through the combined use of devices such as handcuffs, ankle restraints, or leg hobble restraints and placed face-down. <u>Hog-tying is prohibited.</u> Under no circumstances will an individual be placed face-down by JHPD officers after having handcuffs or ankle restraints applied. Use of restraints in this manner causes breathing difficulties and could result in death by positional asphyxia.</p>
Investigative Detention:	<p>The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions that the individual has committed, is committing, or is about to commit a crime.</p>
Member:	<p>All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department, etc.).</p>
Officer:	<p>All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.</p>

Pat-Down Search:	A brief, cursory, manual examination of a clothed person for weapons.
Person in Custody:	Any person held in police custody and whose freedom of movement is at the will or direction of JHPD personnel due to investigation, processing, arrest, care taking, or other responsibilities. A person in custody includes an “arrestee” and those persons under arrest as defined in this Directive.
Positional Asphyxia:	A condition that can be brought on when a person is restrained in an abnormal posture that interferes with their ability to breathe normally.
Processing:	For purposes of this Directive, processing includes prebooking activities involving people in custody, after which they are released from custody by one of several means or transported to an intake and holding facility where they will be booked.
Safety Risk:	The belief that an individual is a threat to other people in custody, staff, or the public.
Security Risk:	The belief that a person in custody may attempt to escape or pose a threat to the security of an area under the control of the JHPD.

Policy

To minimize the inherent danger when detaining persons during an investigation or arrest, and when searching, escorting, transporting, or otherwise handling persons detained by police, officers will thoroughly and professionally search all persons in their custody while utilizing handcuffs or a combination of authorized restraints, as described in this Directive, to ensure the safety of the person in custody, officers, and the public.

Procedures

I. General

- A. People in custody shall be restrained by officers in a manner that does not cause undue pain, undue risk of injury, or actual injury.
- B. People in custody shall be secured by officers in a manner that ensures their safety and facilitates their constant supervision by the arresting or attending police officer.
- C. Officers shall maintain visual contact with the person in custody, monitor the person in custody for signs of distress, and, at least once during transport, ask the person in custody if they are experiencing any discomfort, distress, illness, or injury, and render aid and request Emergency Medical Services (EMS) as needed.
- D. Any person in custody who needs, or is requesting, medical assistance will be transported by officers or EMS to and offered treatment at a local hospital emergency room prior to processing, initial appearance, or incarceration.

- E. Officers shall ensure that all people in custody are searched prior to transport, and each time any officer accepts custody of a person from another officer.
- F. Whenever possible, searches must be conducted by an officer of the same gender identity as the person in custody being searched.
 - Absent exigent circumstances, if any person to be searched requests that a member of a particular gender conduct the search, the member should accommodate the request. The person's request shall be documented.
- G. Only vehicles with sufficient, functioning seatbelts, safety barriers, and other modifications to prevent unassisted exits from the rear passenger compartment will be used by officers for transporting people in custody.
- H. Officers shall ensure that all vehicles used for transport are inspected for contraband before and after the transport of a person in custody.
- I. Officers are prohibited from transporting people in custody who are restrained in a prone position.
- J. People in custody will not be handcuffed or attached, other than by seatbelt, by officers to any part of the vehicle during transport. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 41.3.3)
- K. Officers shall never leave a person in custody unattended in the transport vehicle, JHPD facility, or otherwise.
- L. While processing or transporting a person in custody, officers shall not engage in any unrelated enforcement activities, except where an officer needs to act to prevent serious bodily injury to themselves or others. (CALEA 70.1.4)

II. **Persons in Custody** (CALEA 70.2.1)

To minimize the risk of injury to officers and others during arrest situations, all persons taken into JHPD custody or otherwise detained shall be handcuffed and will remain handcuffed at all times unless they have a condition that would prohibit handcuffing.

- A. Officers shall apply handcuffs with the hands of the person in custody behind their back, palms outward; the keyholes facing up and outward; and the handcuffs double locked, unless a waist restraint is utilized.
 - Under **no** circumstances will men and women in custody be handcuffed together by officers.
 - Under **no** circumstances will adults and youth in custody be handcuffed together by officers.

- B.** Plastic “flex cuffs” issued by the JHPD are authorized for use by officers as a temporary restraint.
- During mass arrest situations, flex cuffs may be utilized by an officer as the primary restraining device.
- C.** Ankle restraints should be used in addition to handcuffs by officers when transporting and processing combative people in custody and those deemed to be escape risks. In addition, they should be used:
- During lengthy transports, and
 - During the period of detention of **all** persons in a JHPD facility and waiting for release or transfer to another agency.
- D. Reasonable Accommodations in Custodial Situations** (CALEA 70.3.1)
- When an officer knows or suspects that an individual has a disability, the officer shall make reasonable modifications to arrest, custody transportation tactics, and procedures in accordance with an individual’s disability.
 - If a person in custody has a disability and requires the use of medical equipment (e.g., wheelchair, crutches, prosthetic devices), members shall transport medical equipment to the destination of transport for the person in custody.
 - For serious offenses where officers are required to take a person who the officer suspects has an intellectual disability into custody, officers shall:
 - Contact their supervisor, if feasible.
 - Deploy calm and reassuring language and de-escalation tactics.
 - Request that the person’s support person, if identified, respond to the scene or place of confinement. Officers shall also request that a Crisis Intervention Team officer, from the JHPD or Baltimore Police Department (BPD), if available, respond to the scene.
 - Avoid using body weight to restrain the individual. If no other option exists, members shall take extreme caution when restraining an individual with intellectual, developmental, or behavioral health disabilities.
 - For people with behavioral health conditions or disabilities, avoid physical restraints when reasonable and practical, especially if the person needs to communicate via sign language, the person requires a wheelchair or scooter to move, the use of handcuffs may exacerbate the disability, or the use of handcuffs might re-escalate the crisis for a person with such disabilities.

- NOTE: A person with a behavioral health condition or who has a disability that affects their hearing, vision, or speech might react in “fight or flight” mode if being restrained. Officers should consider that this response is not always indicative of aggression.
- Upon arrival at the Baltimore Central Booking and Intake Center (BCBIC), indicate on the booking form that the person may have a behavioral health condition or disability, and notify the BCBIC staff that they require appropriate placement and medical arrangements, such as a quiet room with a support person or caretaker (if available).
- Accommodations may include limiting the use of handcuffs while transporting or detaining disabled, sick, injured, or other impaired people in custody. When deciding what restraints to use during these circumstances, officers must consider the following:
 - The safety of the public, officers, and people in custody,
 - The likelihood of an escape, and
 - The nature of the disability, illness, injury, or impairment.
- Should an officer determine that the disability, illness, or impairment inhibits the use of handcuffs or the ability to maintain control of the person in custody, officers will utilize a combination of waist and ankle restraints or
 - Request an EMS to assist with transport to an emergency medical facility when appropriate.
- **Pregnant & Postpartum People in Custody**: The preferred course of action for a pregnant person or a person who is up to six weeks postpartum in custody is to issue a warning or citation to the person in custody and release them from the scene. See JHPD Directive #424, Arrests & Alternatives to Arrest.
- If detention or physical arrest is required, handcuffs should be applied in combination with a waist restraint and the hands of the person in custody should be secured in front of their body. The person in custody should be transported or released from custody as soon as possible. (CALEA 70.3.1)
- During detention or transport, if requested by the person in custody or when there are obvious signs of distress, EMS will be called to the scene to check on the condition of the person in custody.
- Should a pregnant or postpartum person in custody require transport, a second officer will be assigned to assist with the transport in accordance with Section V of this Directive.

E. Prior to transport, officers shall check handcuffs and ankle restraints, when used, for tightness and double lock as soon as it is safe to do so.

- F.** When a person in custody complains that handcuffs or ankle restraints are too tight or are hurting them, the officer must check the handcuffs or ankle restraints to ensure they are not too tight as soon as reasonably possible.
- In general, the officer should be able to place one finger between the handcuff and the wrist or ankle of the person in custody. If the handcuffs are too tight, they shall be loosened and relocked.
- G.** Officers are responsible for the welfare of the person in custody once a restraint device has been applied, during transport, and up to their release from JHPD custody. Officers shall safeguard the person in custody by:
- Maintaining constant supervision of the person in custody,
 - Prohibiting the person in custody from walking around unescorted, and
 - Relocating the person in custody away from hazards, including inclement or extreme weather, while awaiting transport.
- H.** Officers shall not:
- Leave a handcuffed person in custody on hot pavement, or
 - Place a handcuffed person in custody in a face-down or prone position.
- I.** Officers shall not use force against people in custody who are handcuffed or otherwise restrained, except in exceptional circumstances where the totality of circumstances makes it reasonable, necessary, and proportional to prevent injury or escape.
- Officers are cautioned that force that may be proportional against an unrestrained person may not be proportional when used on a restrained person in custody. See JHPD Directive #402, Use of Force.

III. Search Procedures for People in Custody

All persons taken into custody or otherwise detained by officers, including those entering a processing area at the JHPD, will be searched thoroughly and with due regard for safety, security, and human dignity. A custodial search to ensure the safety of the person in custody, officers, and others in the custody environment will be completed under the following circumstances:

- A. Incidental to Arrest:** In the course of a lawful arrest, police officers may conduct a custodial search of the person in custody's person and any area within the control of the person in custody where they could access a weapon or destroy evidence of the crime. Officers may seize:
- Any weapons the person in custody may use to resist the arrest or effect an escape,
 - Any evidence of the crime that, if not immediately seized, could be disposed of or destroyed, and

- Any contraband that is an immediate danger to the officer or others present. See JHPD Directive #411, Search & Seizure, for additional guidance.
- B. Before Transport:** A custodial search of the person in custody must be conducted before the person in custody is placed into any JHPD vehicle for transport. (CALEA 1.2.4, 70.1.1)
- The use of a pat-down is permissible when the circumstances of a custody transfer limit the thoroughness of a search, such as the need to move from a public area with the presence of a hostile crowd, more than one person in custody, etc.
- C. Before Transferring Custody:** A custodial search of the person must be conducted whenever a person in custody is transferred to the custody of a JHPD officer by the court or another officer, agency, or legal authority. It should never be assumed that someone else has searched the person in custody. (CALEA 70.1.1)
- When a person is committed or is in the process of being committed to custody, an officer must conduct a custodial search immediately upon entry to an arrest processing area, upon admission to any holding facility, and before the individual is placed into a holding cell or detention area. (CALEA 71.3.1.b)
 - In addition, an itemized inventory of all property taken from the person in custody must be listed on a Property for Safekeeping Receipt.
 - Officers shall either immediately return all nonevidentiary property to the person in custody upon their release or turn it over to the receiving intake facility.
- D.** Any time there is a concern for the safety of the officer or others and reasonable articulable suspicion that the person in custody may be concealing a weapon or contraband, a custodial search shall be conducted. Any such search, to include the observations and concerns leading to the search, will be articulated in the appropriate Incident Report documenting the arrest in accordance with JHPD Directive #470, Field Reporting System. (CALEA 1.2.4)
- E.** The use of strip searches and body cavity searches is highly intrusive and therefore limited to the narrow circumstances and strict procedures defined in JHPD Directive #411, Search & Seizure. (CALEA 1.2.8.a)

IV. Transportation of People in Custody

- A. Vehicle Inspection & Search:** At the beginning and end of each shift, officers shall inspect the vehicle for readiness as follows:

- The plastic or metal security partition separating the front and rear compartments shall be securely in place and undamaged,
 - All windows shall be intact and outer door latches in proper working order,
 - Rear seat door handles and window controls shall be deactivated so they can be operated only from the outside of the vehicle or by the vehicle operator, and (CALEA 70.4.2)
 - The interior shall be thoroughly searched to ensure that no weapons, contraband, or tools of escape have been left or hidden within the vehicle.
- B.** Prior to placing a person in custody in the vehicle for transport, the transporting officer shall again inspect the interior for weapons, contraband, or tools of escape. If the transporting officer is different from the arresting officer, the arresting officer and the transporting officer will each, individually, ensure that the person in custody is searched before being placed in a police transport vehicle. See JHPD Directive #411, Search & Seizure, for additional guidance on warrantless searches incident to arrest. (CALEA 70.1.1)
- C.** When a person in custody is transported in a police vehicle, the transporting officer shall ensure that:
- Only vehicles with safety barriers and sufficient, functioning seatbelts for each person in custody are used for transport. (CALEA 70.4.1)
 - Officers are prohibited from transporting people in custody who are restrained in a prone position (including the so-called hog-tie position).
 - Officers are prohibited from handcuffing or otherwise attaching people in custody to any part of the vehicle being used for transport.
 - The person in custody shall be secured by the transporting officer with the provided seatbelt or authorized safety seat or device. Officers must ensure there is a seatbelt for each person in custody. (CALEA 70.2.1)
 - The officer shall ensure that their body-worn camera and mobile video camera are activated throughout the duration of the transport, from the first moment a person in custody is placed into the vehicle until the person in custody is removed from the vehicle.
- D.** Officers are strictly prohibited from transporting a person in custody in a manner intended to create discomfort to the person in custody, including unnecessary speeding, braking, or sharp turns (e.g., giving rough rides).
- E.** Officers are prohibited from intentionally diverting, delaying, or otherwise interrupting the transport of a person in custody to the processing or intake facility.

- F.** Officers are prohibited from taking other police actions while transporting a person in custody, unless an emergency situation arises and assistance can be rendered without endangering the person in custody or compromising their security.
- G.** Officers shall not transport men and women in the same compartment of a vehicle.
- If the vehicle contains only one compartment used for transporting people in custody, the officer shall use separate vehicles to transport men and women in custody.
 - Transgender, intersex, and gender-nonconforming individuals shall be transported with other people in custody of the same gender identity and expression, unless they or any other person expresses a safety concern, in which case the person in custody shall be transported alone.
- H.** Once the person in custody has been delivered to the intake facility or other destination, the officer shall conduct a thorough search of the transport vehicle as soon as practical but, in all cases, before the vehicle is used again.
- I.** If any contraband, including but not limited to weapons, controlled dangerous substances (CDSs), etc., is found by the officer in the vehicle, it shall be recovered by the officer and submitted in accordance with JHPD Directive #467, Evidence Collection & Preservation.
- J.** During each transport, the transporting officer shall notify the Communications Center by radio of the following information:
- The number of persons in custody who are being transported.
 - The starting and ending mileage on the vehicle.
 - The location where the persons in custody are placed in the transport vehicle (if different from arrest location).
 - The destination to which the persons in custody are being transported.
 - Any interruption of the transport of a person in custody for any reason. In such a case, the transporting officer will notify dispatch of their mileage, their location, and the reason for the interruption.
 - The official time stamp from dispatch when the transportation vehicle departs the scene.
 - The official time stamp from dispatch when the transportation vehicle arrives at the destination.
 - Any request for medical attention by the person in custody or transporting officer.

- K.** Officers shall include the above information when completing the Charge Information Form and any additional information, including:
- Whether the transport vehicle made any additional stops.
 - Whether at any time the officer perceived the person in custody to be in need of medical attention.
 - Whether force was used during transport.
 - Whether the person in custody was adequately restrained by a seatbelt during transport.
 - Whether the person in custody was injured during transport, the nature of the injury, and whether first aid or medical care was provided.
 - NOTE: Every injury that is reported to have occurred during transport shall be reviewed as a use of force or, if appropriate, as part of a vehicle crash investigation.

- L.** Officers responsible for transportation of a person in custody shall be aware of their physical well-being to ensure that the person is transported safely.
- Officer shall periodically check on the people in custody from the time of arrest to the time of transfer of custody, either by direct observation or through live video transmission, to ensure the safety and security of the officers and people being transported, and to check for apparent signs of medical distress or emergency.

M. Escape Response (CALEA 70.1.7)

Should a person in custody escape while in transport, the transporting officer will take the following actions:

- Immediately notify the Communications Center, providing: (CALEA 70.1.7.a)
 - Time of the escape,
 - Location of the escape,
 - Direction and method of travel of the person who has escaped, and
 - Description of the person who has escaped.
- Immediately notify a supervisor and request the supervisor respond.
 - After gathering the initial facts, the supervisor shall notify the Chief of Police through the chain of command and the Public Safety Accountability Unit (PSAU) and submit a complaint management system (CMS) entry. (CALEA 70.1.7.a)
- Prepare an Incident Report that includes: (CALEA 70.1.7.b)

- Time of escape,
- Location of escape,
- Direction and method of the person who has escaped,
- Description of the person who has escaped,
- Circumstances of the escape, and
- Notifications made.
- **Additional Action** (CALEA 70.1.7.c)
 - Communications shall notify surrounding police agencies of the person in custody's personal description, cautions, known associates, and potential addresses.
 - Communications shall also provide a recent photograph of the person in custody to surrounding police agencies.

N. Communications by a Person in Custody (CALEA 70.1.5)

Officers shall not allow a person in custody to communicate with anyone during transport, subject to reasonable accommodations for persons with disabilities. Safety aspects of the transportation function require that people in custody not be permitted to communicate with attorneys, clergy, family, or others during the period of transport. Further, people in custody shall not be afforded an opportunity to make any phone calls or communicate with anyone while being readied for transport.

- During transport, officers shall not allow people in custody to make calls, send text or social media messages, or mail letters, nor will an officer do so on behalf of a person in custody.
- Officers shall not allow family, friends, or others to come in contact with people in custody while in transit.
- Officers will not discuss their itinerary within hearing distance of a person in custody and will not allow a person in custody to influence their itinerary in any way.
- People in custody with a disability or experiencing a behavioral health crisis shall be provided reasonable accommodation when appropriate, including any need for communication prior to or during transport, when approved by a supervisor.

O. Youth and adults in custody shall not be transported in the same compartments. Youth offenders will be transported and processed in conformance with JHPD Directive #426, Interactions With Youth.

P. Officers shall submit a completed Charge Information Form to their supervisor before the end of their shift.

- Q.** Officers shall not transport people in custody to funerals, hospital visitations, will readings, or similar “special situations” not specifically mentioned within this Directive. (CALEA 70.3.3)
- R.** Officers shall not routinely transport people in custody between detention facilities. Prior to transporting a person in custody from one facility to another, the officer assigned to transport the person shall verify the identity of the person in custody through booking records, identification numbers, photographs, or other appropriate means. (CALEA 70.5.1.a)
- S.** If officers must transport people in custody from one facility to another, the transporting officers shall ensure that the appropriate documentation accompanies the person in custody during transport. Depending upon the circumstances, original documentation, or at least copies of that documentation, should accompany the person in custody. Documentation may include:
- Positive identification of the person in custody, including photographs,
 - Arrest information,
 - Personal property information,
 - Medical records, and
 - Any other pertinent records. (CALEA 70.5.1.b)
- T.** If there is a potential security risk or other risk requirement regarding a person in custody being transported by an officer, the officer should provide information about the risk to the personnel assuming custody of the person. A security risk or other risks may include:
- Potential risk of escape,
 - Suicidal,
 - Particular personality traits, or
 - Illness or medical condition. (CALEA 70.5.1.c)
- U. **Accident or Injury During Transport****
- In addition to those procedures in JHPD Directive #209, Fleet Management, an officer involved in a vehicle collision during transport of a person in custody is also responsible for:
- Verbally inquiring as to the injuries of the person in custody and observing the seating arrangements for later reporting.
 - Contacting the Communications Center to report the collision, the number of people in custody and others involved, injuries, and the need for EMS, if any.

- Requesting the Communications Center to dispatch a patrol officer to assist and investigate the accident if within the campus area, or contacting BPD or another agency that has primary police jurisdiction and authority in the area where the accident occurred.
- Removing the people in custody to a close, safe, conspicuous, and visible area until other transportation arrives.
- Providing emergency care to injured persons when possible.
- Securing and safeguarding the scene as needed by using flares and emergency lights, directing bystanders, and taking photographs.
- If a vehicle becomes disabled during transportation of a person in custody, the officer shall contact the Communications Center to report the situation, request an officer be dispatched to complete the transport, and request the appropriate tow service.
- If the radio is not operable, the officer shall attempt to notify the Communications Center by cell phone. At no time should people in custody be left unattended. If there is no cell phone reception or a cell phone is not available, the officer shall flag down a citizen and request their cell phone to make a call or visit a local business to make a phone call.

V. Transporting Sick, Injured, or Disabled Persons (CALEA 70.3.1)

Transporting persons in custody who are experiencing a behavioral health crisis or condition or are disabled requires that officers exercise due care and attention. For example, the type of vehicle to be used would be a consideration when transporting nonambulatory persons or those requiring wheelchairs, crutches, or prosthetic devices. It may be necessary to request EMS to assist to ensure a safe transport.

- A.** Officers shall provide reasonable accommodations for people with disabilities, in crisis, or who are pregnant. When there is an arrest involving a person with a disability requiring a wheelchair, crutches, prosthetic devices, or other medical equipment, officers shall take the following actions:
- Transport the person in a transport vehicle to the appropriate facility.
 - Transport medical equipment to the destination of the individual who requires it. If possible, the medical equipment shall be transported in the same vehicle as the individual who requires it if this can be done without creating potentially hazardous conditions.
- B.** If portable, fold and place the wheelchair or other equipment in the trunk of the transport vehicle. If the equipment is electric, officers shall secure it in a transport van and transport it to the facility where the person is being taken.

C. Medical Attention Procedures

A person's immediate medical needs take precedence over legal processing procedures. Any person in custody requesting or in need of medical assistance, including those injured before or during an arrest situation, and those who do not visibly show signs of injury or request medical attention, will be transported by officers or EMS to and offered treatment at a local hospital prior to processing, initial appearance, or incarceration. If necessary, EMS will be requested to provide emergency transport to the hospital. In this event:

- The officer will ride with the person in custody in the ambulance, and
- A second officer, if available, will follow EMS to the hospital.
 - Should the person in custody refuse treatment while at the hospital, the officer will obtain a copy of the hospital refusal-of-treatment form prior to transporting the person in custody to another location.
 - If the person in custody is to be incarcerated, the form will be photocopied and initialed by the officer.
 - A copy will be provided to the on-duty detention facility staff as part of the intake records of the person in custody. The officer will retain a copy and attach it to the Incident Report.
- Officers will promptly advise the on-duty supervisor of all medical incidents, including injuries to people in police custody. The circumstances, including photographs, will be included with the appropriate Incident Report, Use of Force Report, and other applicable Administrative Reports and submitted before the end of the officer's shift.
- Supervisors will notify the Public Safety Accountability Unit, which shall investigate all injuries in police custody as a use of force, pursuant to JHPD Directive #407, Use of Force Reporting, Review & Assessment.

D. If a medical issue or injury is present or arises, ensure the safety of the person in custody is maintained at all times. Officers shall request EMS or otherwise provide medical attention prior to transporting a person in custody directly to a medical facility.

E. Officers shall take precautions not to aggravate any injury when searching and restraining the person in custody.

F. Officers shall ensure the person in custody is guarded at all times.

G. Request EMS respond to the scene or transport the person in custody directly to the nearest hospital emergency room.

- H.** Officers shall ensure the medical facility or EMS number is noted on the Incident Report, as well as the date and time that treatment was provided.
- I.** If legally permissible, officers shall obtain the hospital discharge summary for the person in custody and include it in the Incident Report.
- J.** If a person in custody refuses treatment at a medical facility, officers shall obtain a copy of the refusal-of-treatment form from the medical facility, provide it to the booking personnel, and note the refusal on a Supplemental Report to the Charge Information Form.
- K.** When observing a person in custody, officers shall carefully consider the following to provide appropriately for the safety of people in custody:
- Statements that might indicate suicidal intent.
 - Signs of depression or humiliation.
 - Evidence of prior suicide attempts (e.g., scars).
 - Activity that would lead a reasonable person to suspect a potential danger of self-harm (banging of the head against a wall or hard object, charging into hard objects, etc.).
 - Evidence or information about health conditions or mental health status received from family, friends, or other sources.
 - Information regarding previous arrests, such as that the suspect resisted or assaulted the arresting officer.
- L.** Officers shall manage all reports of people in custody with possible or obvious behavioral health conditions, emergency evaluations, and related issues in accordance with JHPD Directive #417, Emergency Medical Examination & Assistance.
- If a person in custody meets the criteria for emergency psychological evaluation, officers shall:
 - Immediately transport the person in custody to the appropriate medical facility, in accordance with JHPD Directive #417, Emergency Medical Examination & Assistance.
 - Provide the required supporting documentation to the medical facility treating the person in custody.
 - Request an emergency evaluation for any person in custody coming into police custody who exhibits any intent toward suicide, self-harm, or other signs of mental illness.
 - NOTE: A person in custody does not need to voice suicidal intent to cause an emergency evaluation. Any combination of factors that may cause alarm on the part of an officer might trigger an evaluation. Any

suicide attempt or attempt at self-harm shall immediately require an evaluation.

M. Determine if the person in custody is on any prescribed medication prior to transporting them from the detention facility, mental health facility, or hospital, and ensure the medication accompanies the person in custody in sufficient quantity to cover the anticipated time in departmental custody. The medication shall:

- Be capable of being administered orally,
- Not require refrigeration, and
- Be prescribed by a medical professional who is authorized and licensed to prescribe the medication.

N. Officers who have reasonable suspicion to believe that a person in custody was in possession of a CDS and has ingested the substance in an attempt to destroy or conceal the substance shall immediately request EMS to respond to the scene, monitor the person in custody for signs of distress, and render aid as needed. Under no circumstances should they seek to manually retrieve the substance from the mouth of the person in custody.

O. Transporting Medications

Medications shall not be administered by officers. If a person in custody requires medication to be administered, EMS should be summoned to assess the needs of the person in custody.

- People in custody shall not possess any medication while in custody or during transport.
- Should an officer recover prescription medication from the person in custody during arrest processing, the medication should be packaged in conformance with Section III this Directive.

VI. Destination Arrival Procedures

- A.** The person in custody shall remain handcuffed upon arrival at any facility (e.g., a JHPD facility, the BPD District Station, or BCBIC).
- B.** Sufficient officers shall be present when moving people in custody from the transport vehicle to the booking facility or other locations that might afford the opportunity for the escape of the person in custody or injury to the officer or others.
- C.** The person in custody shall be escorted by more than one officer for all restroom breaks.

- D. When a person in custody is transported to a police facility and placed in a temporary detention area, the person in custody shall remain the responsibility of the transporting officer, and under constant supervision, until the person in custody is released from the facility.
- NOTE: The transporting officer may relinquish custody of the person in custody to another officer. This transfer of custody shall be clearly communicated between both officers, and the officer assuming custody of the person shall search the person again upon taking over custody.

VII. Processing & Transfer or Release

The JHPD does not operate a holding facility, possess holding cells, or have rooms equipped for the detention of people in custody. In conformance with Section VIII, all adults in custody being charged with an uncitable offense or meeting a condition not permitting their release on a criminal or traffic citation shall be transported, released to, and processed by staff at BCBIC.

- A. Youth in custody of an officer will remain restrained as described in this Directive, and under the constant supervision of the arresting officer until released to the Department of Juvenile Services, a parent, or a guardian, unless in custody for a status offense.
- Officers will process youth in conformance with JHPD Directive #426, Interactions With Youth.

B. Processing for Transfer or Release (CALEA 71.1.1)

The Roll Call Room at the Remington Campus Safety Office is equipped with an immovable restraining bar to secure a person in custody who is only being cited and released or referred and released to an allied criminal justice agency, guardian, or community caretaker. The restraining bar may be used by an officer as a fixed object to secure a person in custody by attaching a single handcuff to the bar. While attached to the restraining bar, people in custody will remain in ankle restraints and under the constant supervision of the arresting officer. (CALEA 71.3.1.d, 71.3.2, 71.3.3.e)

- Youth taken into custody for status offenses (Child in Need of Assistance or other noncriminal incidents) will not be secured to any fixed object.
- In conformance with JHPD Directive #429, Police Radio Communications, the arresting officer will notify the Communications Center when they arrive at the Remington Campus Safety Office and once they release the person in custody. (CALEA 71.3.3.b)
 - Officers are assigned portable radios equipped with an emergency alert button that, when activated, sends an

emergency alert tone across the radio channel to the Communications Center.

- Officers will monitor their assigned portable radio while processing a person in custody.
- Officers will ensure that when the person in custody is released, they have all of their nonevidentiary property.

- C. In all circumstances, officers transporting and escorting people in custody into any Johns Hopkins Public Safety workspaces for processing will ensure that **all** persons in custody, with the exception of youth, are placed in handcuffs and ankle restraints, and have been thoroughly searched before entering the facility. (CALEA 71.3.3.d)
- Officers will secure their firearms in the gun locker provided before entering the processing area with the person in custody. Collapsible batons and oleoresin capsicum spray are permitted as long as these weapons are secured in their holders. (CALEA 71.3.3.a)
 - Officers shall activate the notification light or post the processing sign to alert all other officers to secure their firearms when entering or working in the area where the person in custody is restrained. (CALEA 71.3.3.a)

VIII. Transport to Baltimore Central Booking & Intake Center

(CALEA 70.1.8)

- A. Officers shall enter BCBIC by vehicle through the door located on the Madison Street side of the building and park in the provided temporary space.
- B. Officers shall remove the person in custody from the transport vehicle and take them to the sally port designated for the gender identity of the person in custody. Officers shall announce their presence through the intercom and the door shall be opened. The person in custody shall remain handcuffed during this process.
- **NOTE:** An officer shall be met by a correctional officer, who shall search the person in custody for contraband, conduct an evaluation, and obtain information about the person in custody. The officer shall wait in the sally port area for this assessment to be completed.
- C. The officer shall advise BCBIC personnel of any potential medical or security risks, and the special transportation requests of the person in custody.
- D. The officer shall immediately assume responsibility for any narcotics, weapons, or contraband found on the person in custody that warrants criminal charges. The correctional officer shall be included in the chain of custody for the Property Receipt, and officers shall refer to JHPD

Directive #467, Evidence Collection & Preservation, when taking property or evidence into custody.

- E. The officer shall relinquish responsibility for the person in custody to the correctional officer when all the conditions set forth by BCBIC are met for the booking process. The officer shall then retrieve their handcuffs at the search room.
- F. The personal property of the person in custody shall be submitted to BCBIC but shall be limited to:
 - Clothing being worn by the person in custody upon arrival, and
 - Their nonevidentiary or noncontraband personal property.
 - NOTE: Officers may be required to transport and transfer people in custody to other agencies or facilities. In these instances, officers shall determine the point and time of transfer, and adhere to the intake procedures for that agency or facility.

IX. In-Custody Death Procedures (CALEA 4.1.5)

- A. In all situations where a person in custody is believed to be seriously injured or to have died while in the custody of the JHPD, the officer shall:
 - Immediately notify dispatch and request EMS, following Section V of this Directive,
 - Once the immediate emergency care and dispatch of EMS have been addressed, immediately notify the on-duty supervisor,
 - Secure the scene, and
 - Make additional notifications as directed by the on-duty supervisor.
- B. The on-duty supervisor shall refer to JHPD Directive #407, Use of Force Reporting, Review & Assessment, for additional notifications and actions, including the notification of the Independent Investigative Division (IID) of the Maryland Attorney General's Office.

X. People in Custody Admitted to a Hospital (CALEA 70.3.2)

- A. When sick or injured people in custody are to be admitted to the hospital, the supervisor will:
 - Assign an officer to the person in custody at the hospital,
 - Coordinate with hospital staff,
 - Be responsible for providing relief,

- Alert the oncoming shift, and
 - Advise the Patrol Commander if the detail is expected to exceed 12 hours. The Patrol Commander will establish a staffing plan if the stay will be longer than 12 hours.

- B.** At the direction of the on-duty supervisor, the arresting officer shall complete an Incident Report and Application for Statement of Charges and present them to the Court Commissioner for issuance of a statement of charges and summons or an arrest warrant, or request an in-hospital initial appearance with the Court Commissioner. See JHPD Directive #423, Arrest Warrants, Attachments & Criminal Process, for specific guidance.

- C.** If only a criminal summons is sought, or no criminal charges will be sought, upon the supervisor's approval, the officer shall release the person in custody to the care of the hospital.
 - NOTE: Officers shall not exert control or access to a person who is not subject to a custodial detention—i.e., under arrest or subject to investigative detention.

- D.** If it is an offense for which an arrest warrant or in-hospital initial appearance is sought, the officer assigned by the supervisor to a person in custody at the hospital will be in uniform, unless otherwise approved by the Patrol Commander. The officer will:
 - Remain with the person in custody continuously and monitor all contacts.
 - Be alert for suicide, escape, and assault attempts.
 - Prevent articles from being passed to the person in custody.
 - Permit visits only by authorized persons on official business.
 - Be polite and courteous with the hospital staff and assist with their needs to provide treatment or care. This includes allowing hospital staff access to the person in custody to provide treatment, removing restraints when requested, and not interfering with or prohibiting treatment in any way.
 - NOTE: Officers are reminded that a person who is sick, injured, or otherwise receiving medical treatment may not have the capacity to provide a voluntary statement or answer questions.
 - Only request protected health care information, in accordance with Health Insurance Portability and Accountability Act patient privacy rules. If legally permissible, obtain the hospital discharge summary regarding the person in custody and include it in the Incident Report.

- Allow no more than one person at a time to visit the person in custody, unless it is a necessary function of official business.
- Consult with their supervisor for instructions when uncertain regarding procedures.
- If custody is transferred to BCBIC, ensure proper exchange of custody.

XI. Required Actions

A. Communications Center

- The dispatcher shall acknowledge the transporting officer's departure and arrival in radio reports with the official time stamp.
- The dispatcher shall coordinate the dispatch of EMS or specialized units in instances of the injury, escape, or death of the person in custody.

B. Supervisors

In addition to all other requirements in this Directive, the supervisor shall:

- Initiate a review of every injury that is reported to have occurred during transport as a use of force or, if appropriate, as part of a vehicle crash investigation.
- If a person in custody requires medical attention, determine how many officers, if any, will be assigned to guard and assign officers as needed or whether the person can be charged by summons and released to the hospital's care.
- Respond to the scene in instances of the escape or death of a person in custody. Immediately notify PSAU and initiate a CMS entry.
- Collect all completed Charge Information Forms from transporting officers by the end of their shift.
- Review reports for completeness and sign reports to ensure compliance with this Directive.

C. Shift Commanders

- If a person in custody is seriously injured or dies while in custody, transport, or processing, the shift commander shall ensure that the supervisor has immediately notified IID and that they complete a CMS entry.
- In cases where the injury of the person in custody is serious or potentially life threatening, notification to IID shall be made immediately, even if the medical facility where the person is being treated is unknown or undetermined.

- In cases of serious injury or death, which necessitate response or investigation by the BPD Homicide Section, the shift commander shall notify BPD Homicide at 410-396-2100.
- If a person in custody is admitted to a medical facility for a stay exceeding 24 hours, shift commanders shall ensure that the supervisor has determined whether a summons or warrant should be sought by the end of their shift.

XII. Training (CALEA 71.2.1)

- A.** The Johns Hopkins Public Safety Training Section will provide training to officers on the safe and humane transportation of people in custody to include:
- JHPD policy and procedures related to custody, transport, and detention,
 - Safe driving methods,
 - Identification of illness and injuries, and
 - Proper restraint techniques.
- B.** The Johns Hopkins Public Safety Training Section will collect, analyze, and report data on all in-custody injuries and will recommend changes to policy to improve the safety of persons in JHPD custody.

Policy Enforcement

Enforcement	Police Department managers and supervisors are responsible for enforcing this Directive.
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Reporting Violations	Suspected violations of this Directive should be reported to PSAU.
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Related Resources

<p>University Policies and Documents</p> <p>Administrative Procedure #209, Fleet Management</p> <p>Operational Procedure #402, Use of Force</p> <p>Operational Procedure #407, Use of Force Reporting, Review & Assessment</p> <p>Operational Procedure #411, Search and Seizure</p> <p>Operational Procedure #417, Emergency Medical Examination & Assistance</p> <p>Operational Procedure #423, Arrest Warrants, Attachments & Criminal Process</p> <p>Operational Procedure #424, Arrests & Alternatives to Arrest</p> <p>Operational Procedure #426, Interactions With Youth</p>

Operational Procedure #429, Police Radio Communications Operational Procedure #467, Evidence Collection & Preservation Operational Procedure #470, Field Reporting System
External Documentation
Police Department Forms and Systems

Contacts

Subject Matter	Office Name	Telephone Number	Email/Web Address
Policy Clarification and Interpretation	Policy Management	(667)306-8618	jhpdpolicyinquiry@jh.edu