



Legal Authority of the Department

S.O.P. #	ORIGINAL DATE	REVISION DATE	APPROVED BY
1.1	1/1/1994	2/1/2018	E. Fox, Chief of Police

1.1.1 MANDATED AUTHORITY

Maryland Law, under Article 26, Section 5. establishes the Crofton Police Department and defines its responsibilities. Article 26, Section 5 states that the Police Department is responsible for preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights and rules and regulations made in furtherance thereof. The Police Department will have and perform such other duties and functions as may from time to time be assigned by the Governor of Maryland or the General Assembly of Maryland.

1.1.2 CONSTITUTIONAL REQUIREMENTS

All officers of the Crofton Police Department will observe all Constitutional requirements in the discharge of their duties as law enforcement officers. The following topics are emphasized:

A. Coercion an Involuntary Confessions Prohibited; Right to Counsel

Officers will not coerce or obtain involuntary confessions from persons suspected of criminal involvement. Prior to interrogating a suspect who is in custody, an officer must first advise the suspect of his / her constitutional rights as required by the U.S. Supreme Court decision of *Miranda v. Arizona (1966)*. The arrested person must be allowed to speak with his or her attorney if so requested.

The definition of custodial interrogation can be a confusing concept. Therefore, whenever there is doubt about a custodial interrogation, the suspect should be advised of his or her constitutional rights. When Miranda warnings are not necessary:

1. Before questioning a person who was merely a witness to a crime or who may know something about a crime but is not a suspect.
2. Before questioning suspects who have not been deprived of their freedom in any significant way and realize they are free to terminate the interview at any time.
3. Before questioning a motorist during a routine traffic stop.
4. Before asking questions reasonably motivated by concern for public safety.
5. Without express questioning or its functional equivalent, there is no "interrogation" within the meaning of Miranda, even though the suspect may be in custody.

A written statement or confession must be prefaced with a statement to the effect that the defendant knows the official character of the officer or officers to whom he or she is making the statement, that he or she has been advised of his or her right to remain silent and need not make a statement, that any statement made must be voluntary and may be used against him or her in a court of law, and that he or she has been advised of his or her right to the presence of counsel before making any statement. Officers will not use any language indicating that the statement may be used "for" the defendant in court. When more than one officer is present, the name of the officer advising the defendant of his or her right must be set out in the preamble.

B. Prompt Presentment of Arrestee Before Judicial Officer

An arrested person is entitled to be presented without unnecessary delay before a judge or magistrate of the court having jurisdiction of the offense. The officer will file or cause to be filed a complaint describing the offense for which the person was arrested.



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C. Pretrial Publicity

Employees of this department will make no statements to the public or the news media which would have the effect of prejudicing the right of a defendant to a fair trial.

1.1.3 LAWS OF ARREST

All sworn members of the department are governed by the following in the execution of their responsibilities as law enforcement officers.

The law of arrest in Maryland is in both common law and statutory form. The basic distinction in Maryland's law of , arrest is between arrests for felonies and arrests for misdemeanors the "less serious" crimes. Most crimes are identified by statute as being either a felony or misdemeanor.

In Maryland, police officers may arrest an individual without an arrest warrant when the officer has probable cause to believe that a felony has been committed or attempted, and that a specific individual or individuals committed the felony.

Arrests for misdemeanors must be made on the basis of an arrest warrant or firsthand personal knowledge of the officer, except for certain statutory misdemeanors, where a warrantless arrest is permitted under certain circumstances. In addition, arrests for certain serious misdemeanor traffic violations may be made on the basis of probable cause. See Section 26-202 of the Transportation Article, which is issued annually to every officer.

Relevant excerpts of Criminal Procedures Section 2-204 pertaining to the law of arrest are reprinted as Appendix A of this directive. Every sworn officer is issued an updated Digest of Criminal Laws once a year. This digest provides law enforcement officers with current laws pertaining to arrests, both with and without a warrant.

1.1.4 AUTHORITY OF THE CHIEF OF POLICE

The State of Maryland and the Crofton Special Community Benefit District designates the Chief of Police as being responsible for managing the operations and administration of the Crofton Police Department. Nothing in the Crofton Police Department's Rules and Regulations and Manual of Procedures shall restrict the Chief of Police from taking any actions pursuant to his / her authority.

1.1.5 POLICE DISCRETION

Officers are vested with a broad range of discretion while deciding whether or not to make an arrest. This directive is not intended to deprive any officer of this discretion provided it is exercised in accordance with departmental rules and regulations and in furtherance of the police mission.

The exercise of discretion, when not specifically restricted, will be governed by objectivity, equality of law enforcement action, and fairness. Officers will not allow personal prejudices or biases to influence the conduct of official duties. The proper exercise of discretion does not relieve the investigating officer of his/her responsibilities to conduct a thorough preliminary investigation of the event.



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1.1.6 ALTERNATIVES TO ARREST

The authority of the police to arrest violators of the law is discussed at length in Code 105.1. Police officers often have several options available to aid them in the discharge of their obligations under the law. Good judgment and common sense frequently require that officers take measures less disruptive than physical arrests of citizens who violate minor traffic laws and misdemeanor criminal offenses. These alternatives include the issuance of citations for the citeable offenses under Maryland Uniform Criminal/Civil Citation system; the issuance of citations for juvenile misdemeanor and traffic violations; the use of criminal summonses in lieu of arrest.

Officers are authorized, under certain circumstances, to release from pre-arraignment confinement individuals arrested for driving under the influence of alcohol. This and other alternatives to arrest traffic violations appear in the Index Codes dealing with traffic enforcement. For less serious violations, officers may exercise discretion and use formal action to solve the problem, such as referrals, written warnings or verbal warnings. In applying these informal alternatives, the officer will take into consideration the victim and nature of the offense.

1.1.7 PRETRIAL RELEASE

A. Police Officer Authority

Police officers are authorized under limited circumstances to release an arrested person on recognizance prior to trial. These circumstances are:

1. Maryland Uniform Complaint and Traffic Citation

Police officers are required to release on recognizance any person charged with most violations of the state's traffic laws, upon issuance of a Maryland Uniform Complaint and Citation. Certain traffic violations require arrest and presentment of the violator to a District Court commissioner. Officers' authority in these areas is described in the Index Codes on Traffic Enforcement and in the Maryland Vehicle Law, a copy of which is issued to every officer.

2. Release of DUI Suspect to Sober Adult

Under certain circumstances, officers may release a person who has been arrested and charged with driving under the influence of alcohol to a sober adult. (See S.O.P. concerning DUI arrests for details)

3. Maryland Criminal/ Civil Citation

Officers may charge certain misdemeanor crimes on a Maryland Criminal / Civil Citation and then release the violator pending trial or payment of a fine. See Index Code 2190 and 2191 for details.

4. Juvenile Citation

Juveniles who have been detained or arrested are referred to the Department of Juvenile Services upon the issuance of a Juvenile Citation. The juvenile is released to the custody of a parent or guardian upon obtaining the signature of the custodian guaranteeing the child's appearance at the hearing. See Index Code 1703.



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B. Authority of the District Court

Except for the cases listed above, any person who is arrested and charged with the commission of a crime must be presented for an initial appearance before a judge or commissioner of the District Court. The court official has sole authority to release the person on recognizance, on bail, or to commit the person to the Detention Center.