

2.620 TRAFFIC ARRESTS

(1.2.6, 1.2.7, 61.1.2.a & b)

- A. The authority to make custodial arrests under Transportation Article (TR) § 26-202 is permissive, not mandatory, i.e., custodial arrests are not required. Officers may elect, with supervisor approval, to issue and have defendants sign citations rather than making arrests and taking defendants before commissioners.
- B. Defendants accused of arrestable traffic offenses may be released upon their signature when:
 - 1. Record checks are conducted through MVA, METERS/NCIC, District Court, etc.;
 - 2. There are no instances of failure to appear (FTA) or currently open warrants;
 - 3. Defendants are licensed to drive in Maryland or other motor vehicle reciprocity states;
 - 4. Defendants are not also being charged with criminal violations that require appearances before commissioners;
 - 5. In the case of defendants who are arrested for charges related to driving impaired or under the influence of drugs or alcohol, sober and responsible adults are willing to take responsibility for the defendants;
 - 6. Officers have issued them **Notice to Appear (District Court of MD, L08-1)**; and
 - 7. Officers do not allow defendants to continue driving in violation of the charges that were placed.
- C. Supervisors may deviate from the release protocols in cases where compelling circumstances exist, such as hospitalization of defendants provided that:
 - 1. Defendants' identities have been positively established;
 - 2. Defendants' permanent home addresses have been confirmed;
 - 3. Out-of-state defendants reside in motor vehicle reciprocity states; and
 - 4. Approving supervisors document the reasons for their decisions in related police reports.

2.622 ADULT ARREST PROCESSING

2.622.02 Adult Charging Documents

- A. To charge adults for on-view misdemeanor arrests under CP § 4-101 **Charge by Citation**, officers will use:
 - 1. **Uniform Criminal Citation DC/CR 45**; and
 - 2. **Probable Cause Continuation DC / CR 4**.
- B. To charge adults for on-view crimes that cannot be charged via citation or for felony crimes where charging documents have not already been obtained, officers will use:
 - 1. Statement of Charges forms (DC/CR 2) and Statement of Charges, Continued forms (DC/CR 2A); and
 - 2. Statement of Probable Cause forms (DC/CR 4) and Statements of Probable Cause, Continued forms (DC/CR 4A)
- C. To obtain charging documents, such as when on view arrests cannot be made, officers will use:
 - 1. Application for Statement of Charges forms (DC/CR 1); and
 - 2. Application for Statement of Charges forms (DC/CR 1A).
- D. In order to place additional charges against defendants who have already had initial hearings before commissioners, officers will, in consultation with supervisors and OSA personnel, need to either obtain additional charging documents or make new, warrantless arrests based on probable cause.

2.622.04 Adult Fingerprinting (1.2.5.b) {Revised: 11/13/14}

- A. Arresting officers are responsible for ensuring required fingerprint cards are completed, submitted for supervisory review, and subsequently submitted to Central Records with all other arrest related documents when adults are arrested:
 - 1. On warrants obtained by this agency;
 - 2. On warrants obtained by allied agencies, but presenting arrestees before Commissioners is the responsibility of this agency;
 - 3. On-view and brought to Headquarters for full processing; or
 - 4. On-view, brought to Headquarters for processing, and subsequently released after signing criminal citations.

B. Suspects will not be fingerprinted when they are charged via:

1. Warrants obtained by other agencies and when presenting arrestees before Commissioners is the responsibility of the originating or other allied agency;
2. Criminal summons; or
3. Civil, municipal, juvenile, or traffic citations.

C. HARD COPIES OF FINGERPRINT CARDS WILL NOT BE PRINTED FROM LIVE SCAN EQUIPMENT UNLESS PRINTED CARDS ARE NEEDED TO QUICKLY IDENTIFY ARRESTEES CONSISTENT WITH 2.610.10 CJIS CENTRAL REPOSITORY, FINGERPRINT UNIT OR 2.610.12 FBI SPECIAL PROCESSING CENTER.

2.624 JUVENILE ARREST PROCESSING (44.2.1)

Officers will use the least coercive among reasonable enforcement alternatives when dealing with juvenile offenders and includes options of:

- A. Release without charges;
- B. Issuing citations; and
- C. Referring juveniles to appropriate courts by arrest, etc.

2.624.02 Juvenile Charging Documents (1.2.5.a, 44.2.1.c)

- A. Copies of agency reports serve as statements of probable cause for juvenile arrests and as reporting documents to the Juvenile Section of the OSA and DJS.
- B. Charging officers will ensure reports contain:
 1. Enough information to establish probable cause for all offenses for which charges are requested;
 2. Complete names, addresses, and telephone numbers of persons accepting custody of juveniles;
 3. Complete names, addresses, and telephone numbers of all witnesses to be summonsed;
 4. Schools being attended by juvenile arrestees; and
 5. Listings of applicable charges and statute citations.

2.624.04 Juvenile Fingerprinting (1.2.5.b) {{Revised: 11/13/14}}

- A. Arresting officers are responsible for ensuring required fingerprint cards are completed, submitted for supervisory review, and subsequently submitted to Central Records with all other arrest related documents when juveniles:
 1. Are charged as adults, in which case they will be fingerprinted as adults;
 2. Age 14 and older are charged with:
 - a. Any felony;
 - b. Burglary (1st – 3rd degree) and attempts;
 - c. Any assault;
 - d. Unauthorized use of motor vehicle;
 - e. Any sex crime, prostitution, and indecent exposure;
 - f. Trespass – Peeping Tom;
 - g. Any handgun or weapon related crime;
 - h. Malicious destruction of property, including graffiti;
 - i. Any gang related offenses;
 - j. Any other crime when approved by a supervisor or commander.
- B. Juveniles will not be fingerprinted when they are taken into custody as a:
 1. Child in need of supervision (CINS) who, consistent with **CJ § 3-8A-01**, requires guidance, treatment, or rehabilitation and:
 - a. Is required by law to attend school and is habitually truant;
 - b. Is habitually disobedient, ungovernable, and beyond the control of the person having custody of the juvenile;
 - c. Behaves so as to injure or endanger self or others; or
 - d. Has committed an offense applicable only to children; or
 2. Child in need of assistance (CINA) who, consistent with **CJ § 3-801**, requires court intervention because:
 - a. The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and
 - b. The child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs.

- C. Juveniles under 14 years old who are charged with delinquent acts will be fingerprinted only when approved by a supervisor or commander.
- D. HARD COPIES OF FINGERPRINT CARDS WILL NOT BE PRINTED FROM LIVE SCAN EQUIPMENT UNLESS PRINTED CARDS ARE NEEDED TO QUICKLY IDENTIFY ARRESTEES CONSISTENT WITH 2.610.10 CJIS CENTRAL REPOSITORY, FINGERPRINT UNIT OR 2.610.12 FBI SPECIAL PROCESSING CENTER.

2.624.06 Juvenile Traffic Charges (44.2.1.b)

- A. Copies of agency reports will be used to charge:
1. Non-jailable traffic offenses involving juveniles under the age of 16 who have not been issued learner permits;
 2. Jailable traffic offenses enumerated in **TR § 27-101** involving juveniles; and
 3. Juveniles accused of both jailable and non-jailable traffic offenses stemming from the same incident.
- B. Juveniles 16 years of age or older may be issued Maryland Uniform Complaint and Citations for non-jailable motor vehicle offenses.

2.624.08 Release of Juveniles to Responsible Parties (1.2.6, 44.2.1.a, 44.2.2.e)

- A. Arresting officers will attempt to promptly notify the parents, guardians, or adults responsible for juveniles of the fact that the juveniles have been taken into custody.
- B. Officers may release juveniles at Headquarters, juveniles' residences, or other locations approved by supervisors or commanders.
- C. Officers who release juveniles without charges will ensure checks have been conducted to ensure that there are no outstanding writs.
1. Agencies holding outstanding writs will be requested to fax copies of the writs to this agency.
 2. Officers detaining juveniles with outstanding writs will contact DJS personnel for instructions where the juveniles are to be taken.
- D. Persons who accept custody of juveniles must sign the appropriate section of **Juvenile Custody / Referral Report (UPO.068.D)**. Their identities and authority to accept juveniles must be confirmed.

- E. Parents / guardians may be charged with child desertion if they refuse to respond to accept custody of juveniles solely because of inconvenience or the time of day.
- F. If parents / guardians refuse to accept juveniles' custody or sign release agreements, officers will:
1. Not release juveniles to those adults;
 2. Request detention or shelter assistance from on-duty DJS intake officers; and
 3. Consult with the OSA to determine if the parents /guardians are to be charged with child desertion under **Family Law (FL) § 10-203**.

2.624.10 Juvenile Detention (44.2.2.d)

- A. Juveniles will be taken to juvenile detention facilities, subject to the instructions of DJS personnel, unless they are otherwise released, are in need of emergency medical treatment, or are contacted in non-custodial situations.
- B. Criteria evaluated by DJS for detention include, but are not limited to juveniles who:
1. Have outstanding writs;
 2. Are already on probation for the offenses charged;
 3. Are non-Maryland residents 12 years of age or older;
 4. Are non-Maryland residents under 12 years of age and charged with felonies; or
 5. Are reasonably expected to leave the court's jurisdiction.
- C. DJS personnel will be contacted for assistance when:
1. Officers are unsure if juveniles are candidates for detention; or
 2. Juveniles are in need of shelter because their parents or responsible adults cannot be contacted or refuse to accept custody of juveniles.
- D. Copies of related agency reports will be delivered with juveniles to detention or shelter facilities.

2.624.12 Status Charges & Non-Offenses

(44.2.1.a, 44.2.2.a)

- A. Juveniles may be taken into custody for violations that apply only to children. These violations include, but are not limited to:
 - 1. Child in need of supervision (CINS);
 - 2. Child in need of assistance (CINA); and
 - 3. Runaway.
- B. Officers will not take juveniles into custody simply because they are truant. Officers will:
 - 1. Attempt to identify the juveniles, their ages, and the schools they are attending;
 - 2. Make notifications to the schools if information is available; and
 - 3. Complete reports that describe the facts, circumstances, and steps that were taken.
- C. Officers will not take juveniles into custody who are incorrigible (children who are difficult or impossible to control or manage), but will assist parents with contacting DJS and complete reports that describe the facts, circumstances, and steps that were taken.
- D. Officers may release juveniles to parents, guardians, or other responsible adults in cases involving status charges or non-offenses.

2.624.14 Restitution in Juvenile Cases

- A. Officers will include applicable restitution information in crime reports.
- B. Inquiries by victims into restitution processes will be referred to the DJS, or the Juvenile Division of the OSA.

2.624.16 School Notifications for Student

Arrests

{Revised: 11/13/14}

- A. Consistent with **ED § 7-303**, the agency is required to notify schools when persons aged from 5 to 22 years old who are enrolled in public schools or listed non-public schools are arrested for listed crimes or other crimes related to the students' membership in criminal gangs. Notifications must be made within 24 hours or as soon as practicable even if schools are on holiday, spring break, or summer vacation. Notifications to be made are:
 - 1. The local superintendent;
 - 2. The school principal; and
 - 3. The school security officer for any school that has one; and

- 4. May notify the local State's Attorney Office.
- B. Schools that must be notified are:
 - 1. Public schools of the state; and
 - 2. Private schools that are run by the:
 - a. Archdiocese of Baltimore;
 - b. Archdiocese of Washington; and
 - c. Catholic Diocese of Wilmington.
- C. A reportable offense is:
 - 1. A crime of violence, as defined in **CR § 14-101**;
 - a. Abduction;
 - b. Arson in the first degree;
 - c. Kidnapping;
 - d. Manslaughter, except involuntary manslaughter;
 - e. Mayhem;
 - f. Maiming;
 - g. Murder;
 - h. Rape;
 - i. Robbery under **CR § 3-402 or § 3-403**;
 - j. Carjacking;
 - k. Armed carjacking;
 - l. Sexual offense in the first degree;
 - m. Sexual offense in the second degree;
 - n. Use of a handgun in the commission of a felony or other crime of violence;
 - o. Child abuse in the first degree under **CR § 3-601**;
 - p. Sexual abuse of a minor under **CR § 3-602** if:
 - (1) The victim is under the age of 13 years and the offender is an adult at the time of the offense; and
 - (2) The offense involved vaginal intercourse, a sexual act, an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus, or the intentional touching, not through the clothing, of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
 - q. An attempt to commit any of the crimes described in items (a) through (p) of this subsection;
 - r. Continuing course of conduct with a child under **CR § 3-315**;
 - s. Assault in the first degree;

- t. Assault with intent to murder;
 - u. Assault with intent to rape;
 - v. Assault with intent to rob;
 - w. Assault with intent to commit a sexual offense in the first degree; and
 - x. Assault with intent to commit a sexual offense in the second degree; or
2. Any of the offenses enumerated in **§ 3-8A-03(d)(4) of the Courts Article**;
- a. Abduction;
 - b. Kidnapping;
 - c. Second degree murder;
 - d. Manslaughter, except involuntary manslaughter;
 - e. Second degree rape;
 - f. Robbery under **CR § 3-403**;
 - g. Second degree sexual offense under **CR § 3-306(a)(1)**;
 - h. Third degree sexual offense under **CR § 3-307(a)(1)**;
 - i. A crime in violation of Public Safety (PS) **§ 5-133** Restrictions on possession of regulated firearms, **PS § 5-134** Restrictions on sale, rental, or transfer of regulated firearms, **PS § 5-138** Sale, transfer, or disposal of stolen regulated firearm prohibited, or **PS § 5-203** Possession of short-barreled rifle or short-barreled shotgun;
 - j. Using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime under **CR § 5-621**;
 - k. Use of a firearm under **CR § 5-622**;
 - l. Carjacking or armed carjacking under **CR § 3-405**;
 - m. Assault in the first degree under **CR § 3-202**;
 - n. Attempted murder in the second degree under **CR § 2-206**;
 - o. Attempted rape in the second degree under **CR § 3-310** or attempted sexual offense in the second degree under **CR § 3-312**;
 - p. Attempted robbery under **CR § 3-403**; or
- q. A violation of **CR § 4-203** Wearing, carrying, or transporting handgun, **CR § 4-204** Use of handgun or antique firearm in commission of crime, **CR § 4-404** Use of machine gun in crime of violence, or **CR § 4-405** Use of machine gun for aggressive purpose;
3. A violation of **CR § 4-101** Dangerous weapons, **CR § 4-102** Deadly weapons on school property, **CR § 4-203** Wearing, carrying, or transporting handgun, or **CR § 4-204** Use of handgun or antique firearm in commission of crime;
4. A violation of **CR §§ 5-602** through **5-609** (CDS Manufacturing, etc.), **§§ 5-612** through **5-614** (Volume, kingpin, etc.), **§ 5-617** Distributing faked controlled dangerous substance, **§ 5-618** Possession or purchase of noncontrolled substance, **§ 5-627** Controlled dangerous substance near school, or **§ 5-628** Use of minor;
5. A violation of **CR § 4-503** Manufacture or possession of destructive device, **§ 9-504** False statement concerning destructive device or toxic material, or **§ 9-505** Representation of destructive device;
6. A violation of **CR § 6-102** Arson in the First Degree, **§ 6-103** Arson in the Second Degree, **§ 6-104** Malicious Burning in the First Degree, **§ 6-105** Malicious Burning in the Second Degree;
7. A violation of **CR § 9-802** Coerce, etc. to Join or Prevent Leaving a Criminal Gang, **CR § 9-803** Join or Prevent Leaving a Criminal Gang While in School Vehicle, Within 1,000 Feet of a Public School; or
8. A violation of **CR § 3-203** Assault in the Second Degree, **CR § 6-301** Malicious Destruction – Generally, **CR § 9-302** Inducing False Testimony or Avoidance of Subpoena, **CR § 9-303** Retaliation for Testimony, **CR § 9-305** Intimidating or Corrupting Juror, **CR § 7-105** Motor Vehicle Theft, **CR § 6-202 BURGLARY IN THE FIRST DEGREE, OR CR § 10-606 AGGRAVATED CRUELTY TO ANIMALS.**

- D. Officers who arrest students for reportable offenses or offenses related to their membership in criminal gangs will:
1. Attempt to obtain from the students the names of the schools they are attending;
 2. Attempt to verify school attendance information through parents or guardians; and
 3. Include school attendance information in report narratives.
- E. Every business day, Central Records staff will:
1. Review submitted reports to determine if notifications must be made under **ED § 7-303**;
 2. Obtain school attendance information from related reports;
 3. Send FAX memorandums containing required information to appropriate schools; and
 4. Retain original FAX memorandums in related case record files.

2.624.18 Juveniles Charged as Adults

- A. Juveniles charged as adults will be processed as adult arrestees.
- B. Juveniles will be charged as adults when they are accused of crimes enumerated in **CJ 3-8A-03** or when instructed to do so upon consultation with OSA personnel. This includes when:
1. A child at least 14 years old is alleged to have done an act which, if committed by an adult, would be a crime punishable by death or life imprisonment, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under Criminal Procedure (**CP**) § **4-202**;
 2. A child at least 16 years old is alleged to have committed any of the following crimes, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under **CP § 4-202**:
 - a. Abduction;
 - b. Kidnapping;
 - c. Second degree murder;
 - d. Manslaughter, except involuntary manslaughter;
 - e. Second degree rape;
 - f. Robbery under Criminal Law (**CR**) § **3-403**;

- g. Second degree sexual offense under **CR § 3-306(a)(1)**;
 - h. Third degree sexual offense under **CR § 3-307(a)(1)**;
 - i. A crime in violation of Public Safety (**PS**) § **5-133** Restrictions on possession of regulated firearms, § **5-134** Restrictions on sale, rental, or transfer of regulated firearms, § **5-138** Sale, transfer, or disposal of stolen regulated firearm prohibited, or § **5-203** Possession of short-barreled rifle or short-barreled shotgun;
 - j. Using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime under **CR § 5-621**;
 - k. Use of a firearm under **CR § 5-622**;
 - l. Carjacking or armed carjacking under **CR § 3-405**;
 - m. First degree assault under **CR § 3-202**;
 - n. Attempted second-degree murder under **CR § 2-206**;
 - o. Attempted second-degree rape under **CR § 3-310** or attempted second-degree sexual offense under **CR § 3-312**;
 - p. Attempted robbery under **CR § 3-403**; or
 - q. A violation of **CR § 4-203** Wearing, carrying, or transporting handgun, § **4-204** Use of handgun or antique firearm in commission of crime, § **4-404** Use of machine gun in crime of violence, or § **4-405** Use of machine gun for aggressive purpose;
3. A child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult, unless an order removing the proceeding to the court has been filed under **CP § 4-202**; or
 4. A peace order proceeding in which the victim, as defined in **CJ § 3-8A-01(w)(1)(ii)**, is a person eligible for relief, as defined in § **4-501** of the Family Law Article.

5. If the child is charged with two or more violations of the Maryland Vehicle Law, another traffic law or ordinance, or the State Boat Act, allegedly arising out of the same incident and which would result in the child being brought before both the court and a court exercising criminal jurisdiction, the court has exclusive jurisdiction over all of the charges.

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