



POLICE DISCRETION & ALTERNATIVES TO ARREST

INDEX CODE: 105.2
EFFECTIVE DATE: 07-01-07

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I. POLICE DISCRETION

Officers are vested with a broad range of discretion when 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 responsibility to conduct a thorough preliminary investigation of the event.

II. ALTERNATIVES TO ARREST

The authority of the police to arrest violators of the law is discussed at length in Index 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 arrest of citizens who violate minor traffic laws and misdemeanor criminal offenses. These alternatives include the issuance of citations for the citeable offenses under Md. Uniform Criminal/Civil Citation system; the issuance of citations for juvenile misdemeanors 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 for traffic violations appear in the Index Codes dealing with traffic enforcement. For less serious violations, officers may exercise discretion and use informal 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 the nature of the offense.

III. PROPONENT UNIT: Chief's Office.

IV. CANCELLATION: This directive cancels Article 20, Section 20.1.1 & 20.1.2. Prior date: 03-30-94.