



Policy 812

Subject MISDEMEANOR THEFT PROCEDURES	
Date Published 15 January 2025	Page 1 of 7

By Order of the Police Commissioner

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POLICY

This policy provides guidance on the Baltimore Police Department's (BPD) enforcement of Misdemeanor Theft offenses.

It is the policy of the Baltimore Police Department (BPD) to:

- Issue Criminal Citations when a citation represents the most effective and least intrusive response appropriate under the circumstances as reasonably understood by the member(s) at the time consistent with the goal of advancing public safety.
- Issue Criminal Citations without regard for the race, gender, ethnicity, disability, national origin, age, religion, sexual orientation, or gender identity of the person to whom the citation(s) shall be issued.

CORE PRINCIPLES

Constitutional Enforcement. Members may only enforce lesser offenses, whether by issuing a warning, issuing a citation, or making a custodial arrest (See [Policy 1106, Warrantless Arrest Procedures and Probable Cause Standard](#)), where consistent with Fourth Amendment requirements — i.e., when they have probable cause to believe that a person has committed or is committing a criminal infraction or citable offense. In addition, such enforcement must also be consistent with other constitutional requirements, such as avoiding selective enforcement arising out of discriminatory bias (Fourteenth Amendment) or in retaliation for protected speech. (See [Policy 317, Fair and Impartial Policing](#) and [Policy 804, First Amendment Protected Activity](#)).

Non-Discriminatory Policing. Members are prohibited from relying, to any extent or degree, on a person's race, ethnicity, national origin, religion, gender, sexual orientation, age, disability, gender identity or expression, or affiliation with any other similar identifiable group as a factor in conducting a field interview, investigative stop, vehicle stop, weapons pat-down, search, or arrest except when physically observable as part of an actual or credible description of a specific suspect or suspects in any criminal investigation that includes other appropriate non-demographic identifying factors (such as clothing or associated vehicle). See [Policy 317, Fair and Impartial Policing](#).

Most Effective and Least Intrusive Response. A fair and effective response to a violation of the law balances public safety and order in the community against the serious impact of law enforcement action (e.g., loss of liberty; humiliation and stress; loss of income, employment, or housing) on the individual believed to have committed the violation. Where effective in resolving the violation in accordance with law and policy, problem-solving such as a verbal warning is generally preferable to a citation, and a citation is generally preferable to an arrest. As arrest is a last resort, members should refrain from making an arrest unless doing so reasonably advances the goal of public safety or addresses significant or chronic community disorder, and the situation cannot be resolved in a less intrusive manner that is authorized by law and policy.

Community Partnerships. The BPD continuously works with residents and neighborhood leaders to fully understand issues facing the City's diverse communities, and to co-develop strategies in order to address those issues. In addition to the advancement of public safety goals, the enforcement of lesser offenses must also align with the interests and priorities of the communities which the BPD serves.

DEFINITIONS

Eligibility Requirements — In order to find someone eligible for a Criminal Citation, a member must:

- Have probable cause to believe that a person has committed or is committing a criminal infraction.
- Be satisfied that they have obtained the subject's identity whether through an Acceptable ID from/of the person or the member is able to obtain the subject's identity through additional investigation or computer checks.
- Reasonably believe that the person will comply with the Criminal Citation. Failure to sign a Criminal Citation does **not** indicate a failure to comply.
- Reasonably believe that issuing a Criminal Citation does not pose a threat to public safety (i.e., the underlying offense for which the citation will be issued does not indicate a potential for additional disturbance or destruction by the person after the member's departure).
- Verify that the person is not wanted on any outstanding criminal warrant (See [Policy 1021, Immigration Status](#)).

- Ensure that the person is not also arrested (1) for a felony arising out of the same incident, (2) for a misdemeanor involving serious injury or immediate health risk arising out of the same incident, or (3) based on an outstanding warrant.

Misdemeanor Theft — Including shoplifting, Misdemeanor Theft occurs when an individual takes, deprives, uses, conceals, or abandons another person's property that is valued at less than \$1,500.

DIRECTIVES

Responding to Misdemeanor Theft Calls for Service

1. If probable cause exists that the individual has committed the Misdemeanor Theft violation, members shall stop the individual and address the call for service by:
 - 1.1. Obtaining an acceptable ID from the person.
 - 1.2. Conducting a warrant check on the person.
 - 1.3. Obtaining a central complaint number from the Communications Section for theft.
 - 1.4. Supplying the business owner/victim with the following:
 - 1.4.1. Name, address, and date of birth of the person.
 - 1.4.2. The central complaint number.
 - 1.4.3. A Maryland Crime Victims and Witness Brochure.
 - 1.5. Members may issue a Criminal Citation or explain to the business owner/victim the procedure for obtaining a criminal summons from the Office of the Court Commissioner. The owner/victim may obtain a criminal summons for misdemeanor shoplifting offenses from the Office of the Court Commissioner.
 - 1.6. Complete and submit an Incident Report containing property information for each item and citation information if a citation was issued.
2. Members may arrest the individual if the individual did not meet the Eligibility Requirements for a citation AND with approval from a permanent-rank supervisor. (See [Policy 803, Criminal Citation Procedures](#) and [Policy 1106, Warrantless Arrest Procedures and Probable Cause Standard](#)).
3. If the victim does not wish to pursue charges or summons on the person, members may attempt to determine if the person is eligible for participation in the LEAD program via arrest referral (See [Policy 806, Law Enforcement Assisted Diversion \(LEAD\) Program](#)).
4. If the individual is no longer on the scene and is not found after a brief area canvass, members shall provide the Misdemeanor Theft victim with a Maryland Crime Victims and Witness Brochure.

On-View Misdemeanor Theft

5. A member may stop an individual if the member possesses reasonable articulable suspicion that the individual is committing or has committed Misdemeanor Theft in the member's presence.

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6. At the initiation of the stop, members shall activate their body-worn camera (BWC) and follow the procedures in [Responding to Misdemeanor Theft Calls for Service](#) above to properly investigate the on-view offense.
7. If the member has probable cause based on personal observation or review of surveillance video footage, and they intend to issue a Criminal Citation for the Misdemeanor Theft provided less-intrusive measures are ineffective, there is no corresponding authority to conduct any type of search incident to arrest / non-consensual search. Examples of Misdemeanor Theft citations are available for reference in [Appendix A](#) (Misdemeanor Theft Between \$100 - \$1,500) and [Appendix B](#) (Misdemeanor Theft at less than \$100).
8. The member completing the stop shall complete an Incident Report and describe in detail the specific, articulable circumstances that led to the investigative stop and, when applicable, the probable cause that led to issuing a citation, the citation information, and a legible image of the citation (See [Policy 1112, Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches](#)).

Special Considerations

9. Members shall investigate **felony** theft calls for service according to existing arrest policy (See [Policy 1106, Warrantless Arrest Procedures and Probable Cause Standard](#)).
10. Members shall investigate Misdemeanor Theft calls for service with youth suspects in accordance with the enforcement guidance found in [Policy 1202, Interactions with Youth](#).

REQUIRED ACTION

Member Reporting Requirements for Arrests

11. For all arrests made, members shall complete arrest reports, including properly documenting the probable cause for each arrest, by the end of the member's shift during which the arrest occurred. Both the Incident Report and the SPC shall contain sufficiently detailed information explaining or describing why:
 - 11.1. A citation would not have abated the problem; or
 - 11.2. Why the person was not eligible for a citation.
12. If a business owner experiences repeated incidents of Misdemeanor Theft, members may notify their district's Neighborhood Coordination Officers (NCOs) to engage in problem-oriented policing with the victim(s).

Supervisor Responsibilities

13. Supervisors shall review each arrest report of members under their supervision for completeness and adherence to law and policy. Supervisors shall memorialize their review by approving or rejecting the report with notes for corrections by the end of their shift, absent exceptional circumstances.

- 13.1. If exceptional circumstances do exist, the supervisor shall document what the exceptional circumstances are in an Administrative Report, Form 95, and submit it to their supervisor.
- 13.2. If deficiencies are identified through the review, additional investigation or remedial action may require up to three working days to complete the review.
- 14. Supervisors shall review reports and forms for deficiencies including:
 - 14.1. “Boilerplate” or language that comes to a conclusion without providing supporting detail, inconsistent information, lack of articulation of the legal basis for the action, or other indications that the reports or forms may contain information that was not accurate at the time it was reported.
 - 14.2. Arrests following stops where the justification for the stop appears to be based on information or evidence discovered *after* the stop was initiated. Such stops, as well as subsequent law enforcement action, are unjustifiable.
 - 14.3. Arrests that are unsupported by probable cause or are otherwise in violation of the law or BPD policy.

ASSOCIATED POLICIES

[Policy 317, Fair and Impartial Policing](#)

[Policy 803, Criminal Citation Procedures](#)

[Policy 804, First Amendment Protected Activity](#)

[Policy 806, Law Enforcement Assisted Diversion \(LEAD\)](#)

[Policy 1021, Immigration Status](#)

[Policy 1106, Warrantless Arrest Procedures and Probable Cause Standard](#)

[Policy 1112, Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches](#)

[Policy 1202, Interactions with Youth](#)

RESCISSION

Rescind Policy 812, *Misdemeanor Theft Procedures*, dated 14 June 2022.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

APPENDICES

- A. Sample Citation: Misdemeanor Theft of at least \$100 but less than \$1500
- B. Sample Citation: Misdemeanor Theft of less than \$100

APPENDIX A - Sample Citation: Misdemeanor Theft of at least \$100 but less than \$1500

PLEASE REVIEW POLICY 812			
MISDEMEANOR SHOPLIFTING ARREST PROCEDURES			
UNIFORM CRIMINAL CITATION State of Maryland vs.			
Defendant's (Last) Name		First	Middle
Doe		John	Matthew
Current Address in Full			
601 E. Fayette Street 2 nd Floor			
City	State	Zip Code	
Baltimore	MD	21202	
DOB	Height	Weight	Sex
2/25/1972	5'3"	200	M
	Race	Hair	Eyes
	B	Brn	Brn
Related Citations		Telephone No.	Night
D-012-345-678-901		443-000-1234	443-999-1234
It is formally charged that the above named person on April 12 or 4/12 2016			
at 3:00 P.M. at 500 E. Baltimore Street			
(Location)			
Baltimore			
City/County, Maryland			
did steal (property or service stolen) of (owner)			
having a value of at least \$100 but less than \$1500,			
in violation of CR 7-104 of the Annotated Code of			
Maryland.			
DO NOT FORGET TO PROVIDE IDENTIFICATION NUMBER			
in violation of: <input checked="" type="checkbox"/> Md. Ann. Code <input type="checkbox"/> COMAR / Agency Code <input type="checkbox"/> Common Law of Md. <input type="checkbox"/> Ordinance			
<input type="checkbox"/> Public Local Law			
Document/Article	Section	CJIS Code	
CR	7-104	1 1137	
Penalty: 6 months and/or \$500			
TO ANSWER THE ABOVE CHARGE LODGED AGAINST YOU:			
YOU ARE HEREBY SUMMONED AND COMMANDED TO APPEAR FOR TRIAL IN THE DISTRICT COURT			
OF MARYLAND FOR Baltimore (CITY/COUNTY) LOCATED AT			
1400 E. North Avenue Baltimore, MARYLAND			
<input type="checkbox"/> ON _____ Date _____ AT _____ M.			
<input checked="" type="checkbox"/> WHEN NOTIFIED BY THE COURT.			
YOUR FAILURE TO OBEY THIS CITATION MAY RESULT IN THE ISSUANCE OF			
A WARRANT FOR YOUR ARREST.			
To request a foreign language interpreter or a reasonable accommodation under the Americans with			
Disabilities Act, please contact the court immediately.			
I sign my name as a receipt of a copy of this citation and not as an admission of guilt. I hereby submit to the			
jurisdiction of the Court and agree to appear when notified.			
MUST OBTAIN THE DEFENDANT'S SIGNATURE ON ALL CITATIONS			
X Defendant's Signature			
I solemnly affirm under the penalties of perjury that the contents of the foregoing citation are true to the best of			
my knowledge, information, and belief.			
Officer's	AD	59XX	Officer's
Signature			Sequence
DC/CR 45 (Rev. 5/2002)	Date	Agency	ID No.
Central - 01	Northeast - 04	Western - 07	
Southeast - 02	Northern - 05	Southwest - 08	
Eastern - 03	Northwest - 06	Southern - 09	

Theft at least \$100.00 but <\$1500.00

Article: CR; Section: 7-104; CJIS: 1 1137

Penalty: 6 months and/or \$500.00

Note to Law Enforcement: Remove this first copy of citation before entering witness information. You may enter address of defendant as shown on driver's license if that address is different from current address.

TO THE DISTRICT COURT:

PLEASE SUMMONS THE FOLLOWING WITNESSES:

NAME		Sgt. John Jackson	
ADDRESS		5710 Eastern Avenue	
CITY	STATE	ZIP	
Baltimore	MD	21202	
DAY PHONE	ROOM #		
NIGHT PHONE	APT #		
If Law Enforcement <input type="checkbox"/> Agency		<input type="checkbox"/> Sub-Agency <input type="checkbox"/> I.D.	

NAME			
ADDRESS			
CITY	STATE	ZIP	
DAY PHONE	ROOM #		
NIGHT PHONE	APT #		
If Law Enforcement <input type="checkbox"/> Agency		<input type="checkbox"/> Sub-Agency <input type="checkbox"/> I.D.	

NAME			
ADDRESS			
CITY	STATE	ZIP	
DAY PHONE	ROOM #		
NIGHT PHONE	APT #		
If Law Enforcement <input type="checkbox"/> Agency		<input type="checkbox"/> Sub-Agency <input type="checkbox"/> I.D.	

NAME			
ADDRESS			
CITY	STATE	ZIP	
DAY PHONE	ROOM #		
NIGHT PHONE	APT #		
If Law Enforcement <input type="checkbox"/> Agency		<input type="checkbox"/> Sub-Agency <input type="checkbox"/> I.D.	

NAME			
ADDRESS			
CITY	STATE	ZIP	
DAY PHONE	ROOM #		
NIGHT PHONE	APT #		
If Law Enforcement <input type="checkbox"/> Agency		<input type="checkbox"/> Sub-Agency <input type="checkbox"/> I.D.	

Revision due to changes to the Article by the Maryland General Assembly that went into effect October 1, 2017

APPENDIX B - Sample Citation: Misdemeanor Theft of less than \$100

PLEASE REVIEW POLICY 812		Theft < \$100.00	
MISDEMEANOR SHOPLIFTING ARREST PROCEDURES UNIFORM CRIMINAL CITATION State of Maryland vs.		Article: CR; Section: 7-104; CJIS: 1 0521 Penalty: 90 days and/or \$500.00	
Defendant's (Last) Name: Doe First: John Middle: Matthew			
Current Address in Full: 601 E. Fayette Street 2nd Floor			
City: Baltimore		State: MD Zip Code: 21202	
DOB: 2/25/1972 Height: 5'3" Weight: 200 Sex: M Race: B Hair: Brn Eyes: Brn			
Related Citations: D-012-345-678-901 Telephone No. Day: 443-000-1234 Night: 443-999-1234			
It is formally charged that the above named person on April 12 or 4/12 2016			
at 3:00 P.M. at 500 E. Baltimore Street			
Baltimore (Location) City/County, Maryland			
did Steal....property or service of...(owner) having a value of less than \$100.00			
DO NOT FORGET TO PROVIDE IDENTIFICATION NUMBER			
in violation of: <input checked="" type="checkbox"/> Md. Ann. Code <input type="checkbox"/> COMAR / Agency Code <input type="checkbox"/> Common Law of Md. <input type="checkbox"/> Ordinance			
Document/Article: CR Section: 7-104 CJIS Code: 1 0521			
Penalty: 90 days and/or \$500.00			
TO ANSWER THE ABOVE CHARGE LODGED AGAINST YOU: YOU ARE HEREBY SUMMONED AND COMMANDED TO APPEAR FOR TRIAL IN THE DISTRICT COURT OF MARYLAND FOR Baltimore (CITY/COUNTY) LOCATED AT			
1400 E. North Avenue Baltimore , MARYLAND			
<input type="checkbox"/> ON _____ Date _____ AT _____ M.			
<input checked="" type="checkbox"/> WHEN NOTIFIED BY THE COURT.			
YOUR FAILURE TO OBEY THIS CITATION MAY RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST.			
To request a foreign language interpreter or a reasonable accommodation under the Americans with Disabilities Act, please contact the court immediately.			
I sign my name as a receipt of a copy of this citation and not as an admission of guilt. I hereby submit to the jurisdiction of the Court and agree to appear when notified.			
MUST OBTAIN THE DEFENDANT'S SIGNATURE ON ALL CITATIONS			
<input checked="" type="checkbox"/> Defendant's Signature			
I solemnly affirm under the penalties of perjury that the contents of the foregoing citation are true to the best of my knowledge, information, and belief.			
Officer's Signature: AD 59XX Officer's Sequence: Sequence			
DC/CR 45 (Rev. 5/2002) Date: _____ Agency: _____ Sub-Agency: _____ ID No.: _____			
Central - 01 Northeast - 04 Western - 07 Southeast - 02 Northern - 05 Southwest - 08 Eastern - 03 Northwest - 06 Southern - 09			