

<p align="center">BALTIMORE POLICE DEPARTMENT – EDUCATION AND TRAINING SECTION</p> <p align="center">LESSON PLAN</p>		
<p>COURSE TITLE: Field Training Officer School</p> <p>LESSON TITLE: Stops and Limits on Charging</p>		
<p>New or Revised Course: <input type="checkbox"/> New <input checked="" type="checkbox"/> Revised</p>		
<p>Prepared By: Sgt. Rosenblatt and Timothy Dixon</p>		<p>Date: 08-04-21</p>
<p>Academic Director Approval: Director Gary Cordner</p>		<p>Date:</p>
<p>PARAMETERS</p>	<p>Lesson hours: 2 hours</p> <p>Class size: 30 students</p> <p>Space needs: Classroom</p>	<p><input type="checkbox"/> Entry-level</p> <p><input type="checkbox"/> Continuing Education</p> <p><input checked="" type="checkbox"/> Other</p>
<p>STUDENT/COURSE PREREQUISITES/QUALIFICATIONS (if any)</p> <p>N/A</p>		
<p>LESSON HISTORY (previous versions, titles if applicable)</p> <p>SSA – 2020</p>		
<p>PERFORMANCE OBJECTIVES</p> <ol style="list-style-type: none"> 1. Given scenarios and facilitated discussion, students will demonstrate and explain how to guide their trainees in the field to problem-solve common police-citizen encounters using legal and policy requirements for voluntary contacts field interviews, stops, and arrests, to the satisfaction of the facilitator. 2. Through facilitated discussion, students will identify and explain how fair & impartial policing, procedural justice, and safety considerations are applied in police interactions, to the satisfaction of the facilitator. 	<p>ASSESSMENT TECHNIQUE</p> <ol style="list-style-type: none"> 1. Scenarios & Facilitated Discussion 2. Facilitated Discussion 	

<p>3. Through facilitated discussion, students will analyze conditions that may transform a voluntary contact or field interview into an Investigative Stop and Arrest, to the satisfaction of the facilitator.</p> <p>4. Through facilitated discussion, students will review Maryland law requirements for charging by criminal citation, Court Commissioner, and warrantless arrest, to the satisfaction of the facilitator.</p>	<p>3. Facilitated Discussion</p> <p>4. Facilitated Discussion</p>
<p style="text-align: center;">COURSE DESCRIPTION</p> <p><i>FTO: Stops & Limits on Charging</i> is a lesson derived from <i>Stops, Seizures, & Arrests</i>. Throughout the course students will effectively problem-solve common law-enforcement scenarios using legal and policy requirements related to voluntary encounters, field interviews, stops, and arrests. In addition, students will identify and explain how fair & impartial policing, procedural justice, and safety considerations relate to police interactions, to the satisfaction of the facilitator. There is an analysis the factors that transform a Field Interview into an Investigative Stop or Arrest. The course will also review specific Maryland law requirements for charging by criminal citation, court commissioner, and warrantless arrest.</p>	
<p style="text-align: center;">MPCTC OBJECTIVES (if applicable)</p> <p><i>(Include all terminal objectives. Include supporting objectives if they help elaborate what needs to be covered in the lesson. Ensure that all terminal objectives mentioned here are also added to the "Facilitator Notes" column where they are addressed in the lesson.)</i></p> <p>N/A</p>	
<p style="text-align: center;">INSTRUCTOR MATERIALS</p> <p><i>FTO Stops and Charging Limits</i> lesson plan <i>FTO Stops and Charging Limits</i> PowerPoint</p>	
<p style="text-align: center;">TECHNOLOGY/EQUIPMENT/SUPPLIES NEEDED</p> <p>Computer w/PowerPoint and internet access Projector + screen (or smart board)</p>	
<p style="text-align: center;">STUDENT HANDOUTS</p> <p># Needed Title 30 Copies - <i>Charging Quick Study Guide</i> – Appendix A</p>	
<p style="text-align: center;">METHODS/TECHNIQUES</p> <p>Lesson will be presented by lecture and facilitated discussion, including scenario-based practical application.</p>	

REFERENCES

The following books and other materials are used as a basis for this lesson plan. The instructor should be familiar with the material in these reference documents to effectively teach this module.

Maryland constitutional and procedural law related to seizures
Federal constitutional and procedural law related to seizures

Draft Baltimore Police Department policies:

Policy 906, Traffic Citations

Policy 1108, DUI/DWI Arrest Procedures

Policy 1106, Warrantless Arrest Procedures and Probable Cause Standard

Policy 1104, Arrest Warrants

Policy 1013, Strip Searches & Body Cavity Searches

Policy 1114, Persons in Police Custody

Policy 1002, Securing and Interviewing Witnesses

Policy 1105, Custodial Interrogations

Policy 1007, Search and Seizure Warrants

Policy 1109, Warrantless Searches

Policy 1505, Foot Pursuits

Policy 317, Fair & Impartial Policing

Policy 720, Interactions with LGBTQ Individuals

GENERAL COMMENTS

In preparing to teach this material, the instructor should take into consideration the following comments or suggestions.

This lesson plan is intended for use with experienced instructors who have significant teaching experience, moderate technology experience, and exceptional knowledge of 4th Amendment law.

Lesson Plan Checklist (Part 1)


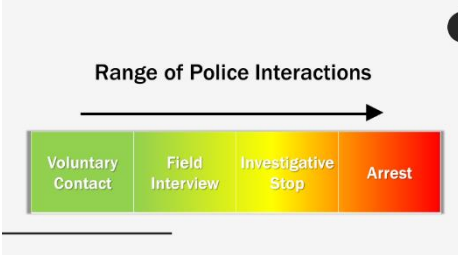
Format	Yes	No	N/A
1. All sections and boxes are completed.	X		
2. Performance objectives are properly worded and included in content.	X		
3. Assessment techniques are aligned with performance objectives.	X		
4. Copies of handouts and other instructional aids (if any) are included.	X		
5. References are appropriate and up-to-date.	X		
6. Instructions to facilitators are in the right-hand column.	X		
7. Content is in the left-hand column.	X		
8. Timing of instructional content and activities is specified.	X		
9. Instructional content and PowerPoint slides are consistent & properly aligned.	X		
10. Student engagement/adult learning techniques are included.	X		
a. Instructional content is not primarily lecture-based.	X		
b. Questions are posed regularly to engage students and ensure material is understood.	X		
c. Case studies, role-playing scenarios, and small group discussions are included where appropriate.	X		
11. Videos are incorporated.	X		
a. Video introductions set forth the basis for showing the video and key points are highlighted in advance for students.	X		
b. Videos underscore relevant training concepts.	X		
c. Videos do not contain crude or offensive language or actions that are gratuitous or unnecessary.	X		
d. Videos portray individuals of diverse demographics in a positive light.	X		
12. Meaningful review/closure is included.	X		
a. Important points are summarized at the end of lesson plan.	X		
b. Assessments are provided to test knowledge of concepts.	X		

Lesson Plan Checklist (Part 2)

Integration	Yes	No	N/A
13. Does the lesson incorporate BPD technology?			X
14. Does the lesson plan integrate BPD policies?	X		
15. Does the lesson reinforce BPD mission, vision, and values?	X		
16. Does the lesson reinforce the Critical Decision-Making Model?	X		
17. Does the lesson reinforce peer intervention (EPIC)?			X
18. Does the lesson incorporate community policing principles?	X		
19. Does the lesson incorporate problem-solving practices?	X		
20. Does the lesson incorporate procedural justice principles?	X		
21. Does the lesson incorporate fair & impartial policing principles?	X		
22. Does the lesson reinforce de-escalation?			X
23. Does the lesson reinforce using most effective, least intrusive options?	X		
24. Does the lesson have external partners involved in the development of training?			X
25. Does the lesson have external partners in the delivery of training?			X
Subject Matter Expert: Sgt. Rosenblatt, E&T Staff, Timothy Dixon	Date: 08-04-21		
Curriculum Specialist: Dawn Peake	Date: 4-19-21		
Reviewing Supervisor: Sgt. Kara Gladden	Date:		
Reviewing Commander: Lt. Michael Brinn	Date:		

COURSE TITLE: Field Training Officer School

LESSON TITLE: Stops & Limits on Charging

PRESENTATION GUIDE	FACILITATOR NOTES
<p>I. ANTICIPATORY SET</p> <p>Introduction Today our class will focus on how to guide your trainees to recognize the different types of police interactions in the field and how these encounters can change quickly from one to the other. In addition, we will focus on how to determine if your trainees are understanding your instruction. So let's start by getting into the specifics with regard to different types of police interactions.</p>	<p>Time: (5 minutes)</p> <p><i>Facilitators should introduce themselves (if necessary) and briefly explain what the lesson is about and why it is important.</i></p> <p>Slide 1</p> 
<p>Range of Police Interactions Police interactions with citizens are fluid and ever-changing. What starts out as a voluntary contact or field interview can quickly change into an investigative stop or arrest.</p> <p>How would you explain to your trainees the difference between:</p> <ol style="list-style-type: none"> 1. A voluntary contact and a field interview 2. A field interview and an investigative stop 3. An investigative stop and an arrest 	<p>Slide 2</p>  <p>A voluntary contact is not based upon a law enforcement action or investigation of a crime. The citizen is free to leave and BWC need not be activated.</p> <p>A field interview is a contact based law enforcement action for a legitimate law-enforcement purpose. It may be to gain information or make observations. BWC must be activated and the citizen is free to leave.</p> <p>An investigative stop is based on RAS that the person has committed, is about to commit, or</p>

	<p>is committing a crime. BWC is activated and the citizen is not free to leave.</p> <p>An arrest is based on Probable Cause. The citizen is in custody and not free to leave. BWC must be activated.</p>																																								
<p>Legal Justification</p> <p>This table summarizes the legal justification for various types of police interactions with the public. We'll cover each one in this course, but you should already be very familiar with this information.</p> <p>ASK: Can someone give me an example of each of the interactions listed and tell me how you would explain the type of contact to a trainee?</p> <p>ASK: Why are law enforcement officers able to stop a vehicle based on RAS or PC?</p> <p>SAY: It is called the Collective Knowledge Doctrine. Law enforcement officers are able to rely on information received from other law enforcement officers and though they had seen it themselves. This is important to remember. You may have a trainee and instruct them to take an action and their response may be that they did not witness the RAS or PC because they may feel because they did not witness it (or may have missed it because they are new officers.)</p>	<p>Slide 3</p> <table><tr><th colspan="5">Justification</th></tr><tr><th>TYPE OF CONTACT</th><th>Legitimate Law Enforcement Purpose</th><th>Reasonable, Articulate Suspicion</th><th>Probable Cause</th><th>Additional Notes</th></tr><tr><td>Voluntary Contact</td><td></td><td></td><td></td><td>Person is free to leave</td></tr><tr><td>Field Interview</td><td>X</td><td></td><td></td><td>Person is free to leave</td></tr><tr><td>Investigative Stop</td><td></td><td>X</td><td></td><td>Temporary detention</td></tr><tr><td>Vehicle Stop – Traffic Violation</td><td></td><td></td><td>X</td><td>Temporary detention</td></tr><tr><td>Vehicle Stop – Criminal Investigation</td><td></td><td>X</td><td></td><td>Temporary detention</td></tr><tr><td>Arrest</td><td></td><td></td><td>X</td><td>Taking into custody</td></tr></table> <p>Desired Responses:</p> <ul style="list-style-type: none">• FTOs should be able to explain the differences between RAS and PC. PC cause can be the basis of an arrest which is a higher degree of certainty regarding the individual’s involvement in a crime. RAS is enough to stop to confirm or dispel the reasonable and articulable suspicion of a suspect involvement in a crime. This information can be based on the officer’s observations or information received from other officers and other citizens.	Justification					TYPE OF CONTACT	Legitimate Law Enforcement Purpose	Reasonable, Articulate Suspicion	Probable Cause	Additional Notes	Voluntary Contact				Person is free to leave	Field Interview	X			Person is free to leave	Investigative Stop		X		Temporary detention	Vehicle Stop – Traffic Violation			X	Temporary detention	Vehicle Stop – Criminal Investigation		X		Temporary detention	Arrest			X	Taking into custody
Justification																																									
TYPE OF CONTACT	Legitimate Law Enforcement Purpose	Reasonable, Articulate Suspicion	Probable Cause	Additional Notes																																					
Voluntary Contact				Person is free to leave																																					
Field Interview	X			Person is free to leave																																					
Investigative Stop		X		Temporary detention																																					
Vehicle Stop – Traffic Violation			X	Temporary detention																																					
Vehicle Stop – Criminal Investigation		X		Temporary detention																																					
Arrest			X	Taking into custody																																					
<p>II. INSTRUCTIONAL INPUT (CONTENT)</p> <p>PERFORMANCE OBJECTIVES</p>	<p>Time: (1 hour, 50 mins)</p>																																								

Throughout this course, we will focus on the following objectives:

- Enable FTOs to effectively instruct trainees to problem-solve common law-enforcement scenarios using legal and policy requirements related to voluntary encounters, field interviews, stops, and arrests.
- Reaffirm that FTOS can help trainees to identify and explain how fair & impartial policing, procedural justice, and safety considerations relate to police interactions.
- Analyze and explain the factors to trainees that transform a Field Interview into an Investigative Stop or Arrest.
- Review specific Maryland law requirements for charging by criminal citation, court commissioner, and warrantless arrest.

Slide 4

Voluntary Contacts

Our first type of interaction, and likely our most common, is a voluntary contact. This type of interaction is not investigative in nature and the involved party is free to leave or end the contact at any time. This is the least intrusive type of police interaction.


ASK: What are the benefits and purposes of voluntary contacts?

SAY: If the member is seeking information about a suspected crime or seeking to take a police action, the Voluntary Contact becomes a Field Interview.

Slide 5

Desired Responses (*emphasize how valuable these are*):

- Vital for building public trust.
- Opens channels of communication.
- Helps identify community problems and concerns.
- Helps officer become more familiar with community and residents.
- Helps community and residents get to know the officer.
- Builds understanding in both directions.

<p>Field Interviews</p> <p>These interactions are investigation driven and used to develop investigative leads where Reasonable Articulable Suspicion (RAS) or Probable Cause (PC) does not yet exist. The involved party is free to leave or stop answering questions at any time. Officers are directed to avoid any behavior or language that would mislead the involved party. The individual should feel free to leave and know that they may stop answering questions at any time. Remember FTOs, either you or the trainee must provide the individual with a citizen contact receipt at the end of the encounter.</p> <p>ASK: What kind of activities would count as a Field Interview?</p> <p>ASK: Can you explain why a door-to-door canvas is considered a field interview?</p> <p>ASK: What is the first thing you are looking for a trainee to do in a Field Interview situation?</p> <p>ASK: Why do we need to have a reason in order to conduct a field interview?</p>	<p>Slide 6</p> <div data-bbox="954 304 1427 564">  <div data-bbox="1198 331 1398 363">Consensual encounter</div> <div data-bbox="1198 394 1398 478">Related to a criminal investigation or other legitimate law enforcement purpose</div> <div data-bbox="1198 506 1398 531">BWC must be activated</div> </div> <p>Desired Responses:</p> <ul style="list-style-type: none"> ● Talking to witnesses about a crime or police matter ● Asking someone if they are a witness to a crime ● Interviewing accident victims <p>Desired Responses:</p> <ul style="list-style-type: none"> ● Yes, this is a field interview because it's a consensual interaction related to a criminal investigation, but the citizen is free to end it at any time. <p>Desired Responses:</p> <ul style="list-style-type: none"> ● Activate BWC and introduce yourself <p>Desired Responses:</p> <ul style="list-style-type: none"> ● We shouldn't be questioning people about crimes unless there's a reason to think that a crime exists and the person may have useful information regarding it. There must be for a legitimate law enforcement purpose.
--	---

ASK: What resources would you tell trainees are available to members if the person appears to have limited English proficiency?

ASK: What would you advise a trainee to do if someone refused to give them identification during a field interview? An investigative stop?

ASK: If a field interview is voluntary, how would you advise a trainee to get the person to cooperate with you?

Desired Responses:

- Determine the language that they speak
- Speak to them in that language (*if you speak it*)
- Call another unit (*if required/available*), especially for more critical encounters
- Use language line (1-844-898-7554)

Desired Responses:

- People are not required to carry or give identification unless operating a vehicle nor are persons required to identify themselves or account for their presence in a public place.

Desired Responses:

Look for or prompt:

- Use your people skills.
- Introduce yourself.
- Explain what you're doing.
- Use words, tone & actions that indicate the person's responses are voluntary.
- Keep the FI brief but do let the person talk.

Reinforcing Fair Policing

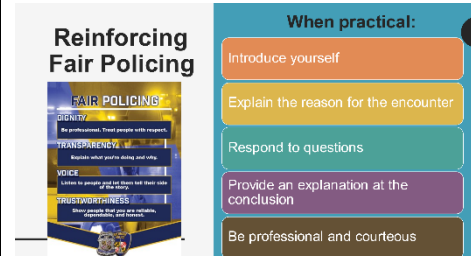
Fair & Impartial policing is an important concept. The basic idea is simple: police should act fairly and without biases.

The “fairly” part can be broken into 4 pillars:

- Voice
- Dignity & Respect
- Fairness
- Trustworthiness


ASK: Why is it important that trainees learn this early in their careers?

Slide 7





Desired Response

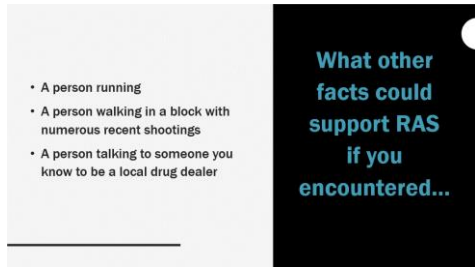
- FTOs should be able to

<p>How would you describe the importance of each to a trainee?</p> <ul style="list-style-type: none"> ... Voice ... Dignity & Respect ... Fairness ... Trustworthiness 	<p>articulate the importance of listening to citizens and giving them a voice in their dealings with law enforcement officers.</p> <ul style="list-style-type: none"> • Any articulation or explanation that all citizens deserve to be treated with dignity and respect is acceptable. • Fairness means that all citizens are treated equally under the same circumstances. • Trustworthiness requires that citizens believe that officers are honest in their statements and actions. Any explanation expressing this is suitable.
<p>CASE STUDY: Police Interaction</p> <p>Here's a short BWC video of a police interaction. Watch it carefully to see whether it's a voluntary contact, a field interview, or investigative stop.</p> <p>The situation is that officers are canvassing for a domestic violence suspect who was wearing all black with a beard. The information was being relayed by the primary officer that the suspect was at or near Cold Spring & Park Heights. The officers encountered a person fitting the description who is in the area during the same time as the crime is being reported. They then encounter the individual.</p> <p>ASK: How would you explain to your trainee that this is a stop based on RAS and not a field interview?</p>	<p>Slide 8</p> <div data-bbox="954 1003 1421 1262">  </div> <p>(Run time: 1 min, 57 secs.)</p> <p><i>Play the BWC video and then engage the class in a discussion of what type of interaction it was and whether it was done properly.</i></p> <p>Desired Response:</p> <ul style="list-style-type: none"> • Call for service • Domestic violence investigation • Subject fit the description and was found in the area described by the victim • The stop occurred during a

<p>ASK: How would you talk with your trainee about this interaction? Were the actions of the officer consistent with fair policing and building public trust? How so?</p>	<p>reasonable time period and in the same geographic area as the crime was reported.</p> <ul style="list-style-type: none"> ● No – it was investigative in nature and the citizen was not free to leave. ● A reasonable person would likely not feel that he was free to leave, which would make it a stop. ● Officers pulled the car across the direction of traffic. ● Put the spotlight on the citizen ● Demanded his identification, he felt so compelled to submit to their authority that he offered to take them to his home to get the ID. ● Other officers were approaching from the opposite direction as well. <p>Desired Responses:</p> <p>Procedural Justice</p> <ul style="list-style-type: none"> ● Dignity – They treated him with dignity and respect. They were professional. ● Transparency-Did the officers, when safe to do so, explain to the citizen the reason for the interaction? ● Voice - Did they hear what the man had to say? They listened to him and allow him to explain that he was not the suspect. <p>Trustworthiness – Did they demonstrate that they were reliable, dependable, and honest?</p>
--	---

<p>Investigative Stops</p> <p>A challenge to being an FTO is helping your trainees understand the policing and legal significance of investigative stops. These are the involuntary detention of an individual suspected of criminal activity. New police officers must understand these interactions are based on RAS that the involved party is about to commit or has committed a crime. An officer's verbal tone, commands, actions, and presence are used to stop an individual, or compel that individual to comply with certain legal requests. An investigative stop occurs whenever an officer's actions lead an individual to believe that they are not free to leave.</p> <p>Nothing in the Department's policy prevents trainees or you from making appropriate, well-articulated stops. However, they need to be constitutional, and you both will need to articulate observable facts that give rise to a reasonable suspicion that criminal activity is afoot.</p>	<p>Slide 9</p> <div data-bbox="954 268 1421 527">  <p>Investigative Stop</p> <p>Involuntary detention of an individual suspected of criminal activity</p> </div>
<p>Investigative Stop Basics</p> <p>ASK: What does the “reasonable” in reasonable articulable suspicion mean? How would you explain it to your trainee?</p> <p>ASK: How about the term articulable?</p>	<p>Slide 10</p> <div data-bbox="954 1035 1421 1293">  <ul style="list-style-type: none"> • It's a temporary “stop” (seizure) based on reasonable, articulable suspicion (RAS) • Everything beyond the order to stop must be justified based on the situation • If you go too far, it will be considered an arrest (requiring probable cause) <p>Investigative Stop Basics</p> </div> <p>Desired Response:</p> <ul style="list-style-type: none"> • Objective facts that would lead a reasonable officer with your training and experience to have suspicion that this person has committed or is about to commit a crime. <p>Desired Response:</p>

<p>ASK: Using the video that we just saw, explain how this interaction could have easily become a de facto Fourth Amendment arrest even though the officers may have only intended initially to perform an investigative stop?</p>	<ul style="list-style-type: none"> • The officer who decides to make the stop must explain it with specific facts and observations. Not mere hunches or gut instincts. <p>Desired Response:</p> <ul style="list-style-type: none"> • If it lasts longer than necessary to confirm or dispel whether he was the suspect who committed the crime. • If a search of the citizen had been performed for evidence without PC or RAS that he was armed and dangerous. • If he had been placed in a police vehicle and transported to a different location.
<p>SCENARIO: Arrest or Investigative Stop?</p> <p>The FTO should remind trainees to keep in mind that force can only be used during an investigative stop if it is:</p> <ul style="list-style-type: none"> - Reasonable - Necessary - Proportional <p>To respond to a risk of flight OR threat to safety. Otherwise, it will be considered a “de facto” arrest (an arrest in fact) that is unlawful.</p> <p>ASK: How would you explain to your trainee why or why the officer’s actions are not Reasonable, Necessary, and Proportional to respond to a risk of flight or threat to safety?</p> <p><i>Officer Jones responds to a domestic call. On arrival, a heated dispute is occurring, but nobody appears hurt. He attempts to separate the parties, but they keep getting in each other’s faces. He handcuffs the parties</i></p>	<p>Slide 11</p> <div data-bbox="954 1087 1421 1344"> <p>The slide is titled "Arrest or Investigative Stop?". It contains three main sections of text. The first section, in white text on a black background, states: "Force can only be used during an investigative stop if it is:" followed by a bulleted list: "- Reasonable", "- Necessary", and "- Proportional". The second section, in white text on a red background, states: "To respond to a RISK OF FLIGHT or THREAT TO SAFETY. Otherwise, it will be considered an arrest." The third section consists of two orange text boxes. The top box contains the text: "Officer Jones responds to a domestic call. On arrival, a heated dispute is occurring, but nobody appears hurt. He attempts to separate the parties, but they keep getting in each other's faces. He handcuffs the parties to ensure they don't hurt each other." The bottom box contains the text: "Officer Jones responds to a dispute at an apartment. On arrival, both parties are calm and present. The landlord claims that an individual on scene wrote graffiti in the bathroom last week. Officer Jones identifies the suspect and then handcuffs him while he investigates the complaint."</p> </div> <p><i>Display the slide and read through each scenario. Use the scenarios as a guide to facilitate discussions.</i></p> <p>Desired Response:</p> <ul style="list-style-type: none"> • At this moment, it’s an investigative stop. Officer Jones didn’t go “too far” because the use of handcuffs here was reasonable in light of the safety threat. He took a less intrusive approach by

<p><i>to ensure they don't hurt each other.</i></p> <p>ASK: How would you explain to your trainee why or why the officer's actions are not Reasonable, Necessary, and Proportional to respond to a risk of flight or threat to safety?</p> <p><i>Officer Jones responds to a dispute at an apartment. On arrival, both parties are calm and present. The landlord claims that an individual on scene wrote graffiti in the bathroom last week. Officer Jones identifies the suspect and then handcuffs him while he investigates the complaint.</i></p>	<p>attempting to separate the parties prior to handcuffing. When the parties are no longer a threat to anyone's safety</p> <p>Desired Response:</p> <ul style="list-style-type: none"> ● It's an arrest. Officer Jones went "too far" and became a de facto arrest because there was no reason to use handcuffs here based on the facts.
<p>SAY: Often times officers encounter individuals who will run for a variety of reasons. We all know that running away from officers in and of itself, without more information is not RAS for a stop. Running has never been enough to justify a stop. It does not matter if it is in a high crime area.</p> <p>ASK: Tell us how you would explain to your trainee when running away from police officer accompanied by other facts could support RAS for a stop.</p> <p>WARDLOW DISCUSSION: The Supreme Court in Wardlow required 4 things before it held that, in that case, the officers had RAS:</p> <ul style="list-style-type: none"> • Unprovoked • Flight • From the police • In a high crime area • RAS of a particular crime • AND nothing in that case suggested that a crime wasn't occurring (e.g. kids laughing and running from the police as a game) <p>"High crime area" in Wardlow referred to an articulated connection between the individual's unprovoked flight and their suspected participation in the type of criminal</p>	<p>Slide 12</p> <div data-bbox="954 865 1425 1129">  <p>• A person running</p> <p>• A person walking in a block with numerous recent shootings</p> <p>• A person talking to someone you know to be a local drug dealer</p> <p>What other facts could support RAS if you encountered...</p> </div> <p>Desired Response:</p> <ul style="list-style-type: none"> ● It's not illegal to know people who have committed crime or associate with them. It's not even generally illegal to be near them WHILE they're committing a crime. ● But if you saw one of them hand over a significant amount of currency and the other one took a garbage bag from his trunk and placed it in the other's car, you'd almost certainly have RAS for a stop.

activity prevalent in that location. Drawing a connection between criminal activity in the area and the reason this person is fleeing can be critical to establishing whether or not their flight rises to RAS.

Because that boilerplate language isn't helpful, you need to provide an individualized explanation.

- There is nothing illegal about being in an area with recent shootings.
- To consider the criminal history of an area in RAS, you have to tie that crime trend to the crime that you believe the individual committed.
- For example: There was a shooting, and immediately or near immediately afterward you saw the suspect exhibiting characteristics of an armed person.

Conducting the Stop

ASK: Other than the legal standards, what benchmarks are you looking for your trainees to meet when conducting a stop?

Before the stop:

- Activate BWC
- Notify dispatch
- Consider need for back-up

During the stop:

- Remain respectful
- Inform person they are not free to leave
- Explain the reason for the stop (if safe and practicable to do so)
- Limit questions to resolving suspicion
- Keep the stop as short as possible

ASK: Why is it important to “keep the stop as short as possible”?

Slide 13

Before the stop:

- Activate BWC
- Notify dispatch
- Consider need for back-up

During the stop:

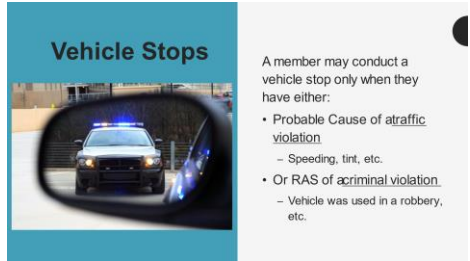
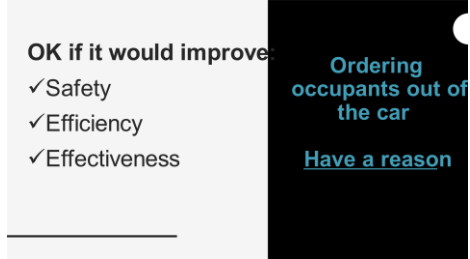
- Remain respectful
- Inform person they are not free to leave
- Explain the reason for the stop (if safe and practicable to do so)
- Limit questions to resolving suspicion
- Keep the stop as short as possible

Conducting the Stop



Desired Response:

- Purpose of the stop is to confirm or dispel the reasonable articulable suspicion (*the RAS*) of criminal activity that was the reason for the stop.
- Must end the stop as soon as the suspicion is dispelled, (*i.e. no crime being*

	<p><i>committed</i>).</p> <ul style="list-style-type: none"> ● If the stop produces probable cause of a crime, then further steps can be taken
<p>Vehicle Stops</p> <p>A member may conduct a vehicle stop only when they have either:</p> <ul style="list-style-type: none"> ● Probable Cause of a <u>traffic violation</u> <ul style="list-style-type: none"> – Speeding, tint, etc. ● OR RAS of a <u>criminal violation</u> <ul style="list-style-type: none"> – Vehicle was used in a robbery, etc. <p>ASK: If a trainee asked, “why do you only need RAS of a criminal violation to stop a car, but you need PC of a traffic violation to issue a traffic citation,” how would you explain the difference to the trainee?</p>	<p>Slide 14</p>  <p>Desired Response:</p> <ul style="list-style-type: none"> ● Because issuing the traffic citation is charging the person with the offense. In order to charge the person you need PC that he committed to violation. You need RAS of a crime to make a stop.
<p>Ordering Occupants Out of the Vehicle:</p> <p>Only with a reasonable belief, based on observation (not just a hunch), that removing one or more occupants from the vehicle would improve the traffic stops:</p> <ul style="list-style-type: none"> ● Safety ● Efficiency ● Effectiveness <p>ASK: What are some valid reasons to order occupants from a vehicle? What are some of the training tactics that you use to convey this to trainees?</p> <p>Another key point – a vehicle stop can only last as long as reasonably necessary to fulfill the reason for the stop.</p>	<p>Slide 15</p>  <p>Desired Responses:</p> <p><i>Expect a range of answers similar to:</i></p> <ul style="list-style-type: none"> ● Vehicle being towed ● Vehicle in a hazardous location and occupants are unsafe ● Vehicle has dark tint and you cannot see occupants

	<ul style="list-style-type: none"> ● Poor lighting conditions and you cannot observe the occupants ● Occupant may have been involved in recent, specific crime and you have RAS to stop them ● You have PC the vehicle may contain contraband or evidence of recent, specific crime and you want to search the vehicle ● Movement within vehicle beyond what is ordinarily required to retrieve license and officer believes actions to be unsafe ● RAS the occupant be armed and/or dangerous ● Failure of any occupant to follow the instructions of an officer on scene (<i>including request to see hands, refusal to roll down windows, refusal to turn down music, etc.</i>)
<p>Slide 17</p> <p>In other cases, BPD policy calls for the most fair and effective response while minimizing intrusion– this will be covered in a lesson later today.</p> <p>SAY: Remind trainees when arrests are not allowed.</p>	<p>Slide 17</p> <div data-bbox="958 1260 1421 1522"> <div> <ul style="list-style-type: none"> • No probable cause • Crime doesn't carry jail time • Civil offense (<10g marijuana) • Where it's not the most effective way to resolve the issue • Where not allowed by MD law </div> <div> <p>ArrestNot Allowed</p> </div> </div>

Arrest vs. Booking

Just because you've taken someone into custody... do they need to go to jail?

- An **ARREST** is taking an individual into custody (*generally for the purpose of criminal prosecution*)
- **BOOKING** involves transporting them to a booking facility and filing a Statement of Charges and Statement of Probable Cause

ASK: Can you un-arrest someone? Can you give some examples?

ASK: If you've arrested them, can you decide to charge them by citation instead of transporting them to CBIF ?

Slide 18

Arrest vs. Booking

Just because you've taken someone into custody... do they need to go to jail?

- An **ARREST** is taking an individual into custody (generally for the purpose of criminal prosecution)
- **BOOKING** involves transporting them to a booking facility and filing a Statement of Charges and Statement of Probable Cause

Can you un-arrest someone?

If you've arrested them, can you decide to charge them by citation instead of booking?

Desired Response:

- Wrong person
- There is a more effective and less intrusive approach
- Supervisor does not approve of the arrest

Desired Response:

Yes. After you've placed someone under arrest, you should continue investigating and determine whether booking them is the most effective and least intrusive response.

Policy 1106 explains 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.

Because arrest is a last resort, members should refrain from making an arrest unless doing so reasonably

Slide 19

Use the most effective and least intrusive response appropriate for the situation

An "effective response" focuses our goals of

- Reducing serious crime
- Holding offenders responsible
- Making public spaces safe & orderly
- Making people feel safe
- Providing quality services
- Using force and authority fairly & effectively
- Using resources fairly & efficiently

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.

An “effective response” focuses on our goals of:

- Reducing serious crime
- Holding offenders responsible
- Making public spaces safe & orderly
- Making people feel safe
- Providing quality services
- Using force and authority fairly & effectively
- Using resources fairly & efficiently

ASK: How would you explain BPD’s Most Effective and Least Intrusive policy to trainees?

Desired Responses:

- Reducing serious crime
- Holding offenders responsible
- Making public spaces safe & orderly
- Making people feel safe
- Providing quality services
- Using force and authority fairly & effectively
- Using resources fairly & efficiently

Formal & Informal

In problem solving, a police officer has both “formal” and “informal” options. **Informal options do not involve the issuance of any charging documents. Formal solutions start with civil citations and can go up to a warrantless arrest.**

ASK: What are some “Formal” options that a police officer has when trying to solve a problem?

Slide 20

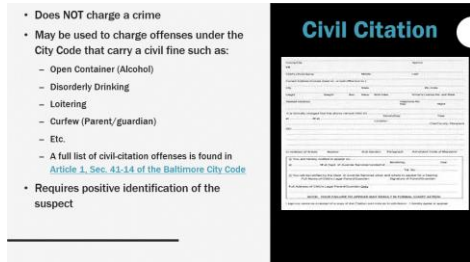
Formal	Informal
Civil Citation	Verbal Persuasion
Criminal Citation	Verbal/Written Warning
Court Commissioner – Summons/Warrant	Resource Referral
Warrantless Arrest	Mediation

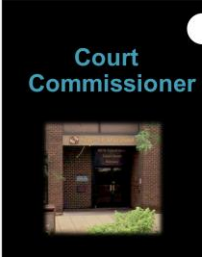
**Problem
Solving
Options**


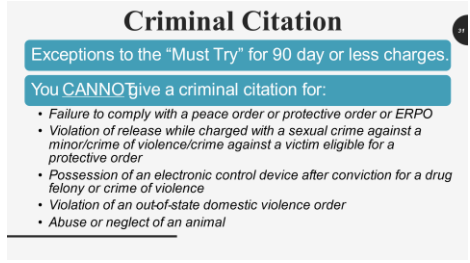
Desired Responses:

- Civil citations
- Criminal citations

Court Commissioner(Arrest warrant / summons)
Warrantless Arrest

<p>ASK: What are some “Informal” options that a police officer has when trying to solve a problem?</p>	<p>Desired Responses:</p> <ul style="list-style-type: none"> ● Persuasion ● Verbal/written warning ● Resource referral ● Mediation
<p>Civil Citations</p> <p>If an informal solution would be insufficient to address the public safety concern, consider issuing a formal solution. Formal solutions start with civil citations and go up to filing criminal charges.</p> <p>ASK: How would you explain to your trainee the advantages of using a civil citation as a formal way of handling lesser offenses?</p> <ul style="list-style-type: none"> ● The community? ● The person? ● The officer? ● The department? <p>Remember, a civil citation does NOT charge a crime and does require positive identification of the suspect. A full list of civil-citation offenses is found in Article 1, Sec. 41-14 of the Baltimore City Code.</p> <p>ASK: What if you are trying to issue a civil citation to someone but can’t verify their identity?</p>	<p>Slide 21</p> <div data-bbox="954 632 1421 892">  <p>• Does NOT charge a crime</p> <p>• May be used to charge offenses under the City Code that carry a civil fine such as:</p> <ul style="list-style-type: none"> – Open Container (Alcohol) – Disorderly Drinking – Loitering – Curfew (Parent/guardian) – Etc. <p>– A full list of civil-citation offenses is found in Article 1, Sec. 41-14 of the Baltimore City Code</p> <p>• Requires positive identification of the suspect</p> </div> <p>Desired Responses:</p> <ul style="list-style-type: none"> ● It exacts a penalty for minor offenses without giving the person a criminal record and without creating a heavy burden on the police department, courts, community, and offender. It is a less intrusive method of charging than a criminal citation or arrest and can be effective at the same time. <p>Desired Responses:</p> <ol style="list-style-type: none"> 1) Is this based on something that is also a crime? If so, criminal enforcement is an option. 2) Consider what the most effective/efficient use of time/resources would be. 3) If it is ONLY a civil offense (<i>marijuana (less than 10 grams), minor with</i>

	<p><i>cigarettes, curfew, etc</i>), you can detain the person for a reasonable period of time to try to identify them. If you still can't identify them, you have to let them go.</p>
<p>Court Commissioner Another less intrusive charging alternative that is almost always available any time you have positively identified a suspect, or a victim/complainant has, is the Court Commissioner.</p> <p>Not all criminal violations must be resolved in the moment. In some cases, application for a criminal summons or an arrest warrant may be appropriate. As with all charging options, however, Probable Cause is required.</p> <p>ASK: What are some of the advantages that you would tell a trainee to seeking a charging document from the Court Commissioner.</p> <p>ASK: How would you explain why a Court Commissioner may issue an arrest warrant instead of a criminal summons?</p>	<p>Slide 22</p> <div data-bbox="959 489 1419 743"> <ul style="list-style-type: none"> • An officer can apply directly to the Court Commissioner or have the victim apply. • This can result in either a summons or warrant charging a crime. • The court commissioner is ALWAYS a backup option as long as there's probable cause of a crime and you know the identity of the suspect.  </div> <p>Desired Response:</p> <ul style="list-style-type: none"> ● There will be a judicial finding of probable cause for the charges rather than taking a risk of a warrantless arrest to find out the possibility that the Court Commissioner does not find PC for an arrest ● Other officers will know that the suspect committed the offense and can serve the charges if they come into to contact with the suspect <p>Desired Responses: An arrest warrant can only be issued where:</p> <ul style="list-style-type: none"> ● The defendant previously has failed to appear ● the whereabouts of the defendant are unknown ● the defendant is in custody

	<p>for another offense defendant poses a danger to o the community</p> <ul style="list-style-type: none"> ● Suspect lives in another state ● Suspect is on parole or probation ● Suspect has violated a condition of release for another offense
<p>Threat to Public Obviously, if the person being charged poses a threat to another person or the community, that should be included in your application for charges. Otherwise, the Court Commissioner may not be able to intelligently set bail or pre-trial release conditions.</p> <p>ASK: What kind of actions have you experienced in your career would you teach a trainee are risks to public safety that should be mentioned to a Court Commissioner?</p>	<p>Slide 23</p>  <p>Threat to Public</p> <p>If the person being charged poses a threat to another person or the community, that should be included in your application for charges.</p> <p>Otherwise, the Court Commissioner will not be able to intelligently set pre-trial release conditions.</p> <p>Expected Responses:</p> <ul style="list-style-type: none"> ● Threats to victims or witnesses ● Violence towards victims, witnesses, or law enforcement officers ● Suspect fled law enforcement ● Suspect has failed to comply with court orders ● Suspect is on conditional release, parole, or probation
<p>Criminal Citations – Exceptions to the 90 Day Rule There are a few exceptions to the “90 day” rule.</p> <p>You CANNOT issue a criminal citation for these crimes (<i>even though they carry 90 days or less</i>):</p> <ul style="list-style-type: none"> ● Violation of a Peace Order or Protective Order (“no contact” order) or Extreme Risk Protective Order [90 days] ● Violation of a condition of release after being charged with a sex offense against a minor, a crime of violence, or any crime against certain types of victims [90 days] 	<p>Slide 25</p>  <p>Criminal Citation</p> <p>Exceptions to the “Must Try” for 90 day or less charges.</p> <p>You CANNOT give a criminal citation for:</p> <ul style="list-style-type: none"> • Failure to comply with a peace order or protective order or ERPO • Violation of release while charged with a sexual crime against a minor/crime of violence/crime against a victim eligible for a protective order • Possession of an electronic control device after conviction for a drug felony or crime of violence • Violation of an out-of-state domestic violence order • Abuse or neglect of an animal

<ul style="list-style-type: none"> • Possession of a stun gun after being convicted of a drug felony or crime of violence [60 days] • Animal abuse or neglect [90 days] 	
<p>Slide 26 Criminal Citations, Cont'd. There are SOME crimes that carry more than 90 days where you have the OPTION of issuing a criminal citation:</p> <ul style="list-style-type: none"> • Malicious destruction if value is less than \$1000 • Misdemeanor Theft (\$100 – Under \$1500) • Sale of alcohol to underage or intoxicated individual • Business allowing alcohol consumption underage or not according to license <p>ASK: What would you advise the trainee what BPD policy is regarding members charging suspect for theft or malicious destruction? Should you charge the suspect or ID them and have the complainant seek a warrant or summons from the Court Commissioner.</p>	<p>Slide 26 Criminal Citation</p> <p>There are SOME crimes that carry more than 90 days where you have the OPTION of issuing a criminal citation:</p> <ul style="list-style-type: none"> • Malicious destruction if value is less than \$1000 • Misdemeanor Theft (\$100 – Under \$1500) • Sale of alcohol to underage or intoxicated individual • Business allowing alcohol consumption underage or not according to license <p>Desired Response: When possible you should ID the suspect and advise the complainant how to seek a warrant or summons from the Court Commissioner. They are usually the witness to the PC for the charges and a necessary witness in court.</p>
<p>Slide 27 A police officer may charge a defendant by citation only if...</p> <ul style="list-style-type: none"> • You can positively identify the suspect (<i>ID/MVA/Dashboard</i>). • You reasonably believe the defendant will comply with the citation. • There is no danger to public safety in issuing a citation (<i>instead of arrest/commissioner</i>). • You are not arresting the suspect for another crime arising out of the same incident. • The defendant has complied with all lawful orders. <p>ASK: Is a state issued ID the only way to satisfactorily ID someone?</p>	<p>Slide 27</p> <p>A police officer may charge a defendant by citation only if...</p> <ul style="list-style-type: none"> • You can positively identify the suspect (<i>ID/MVA/Dashboard</i>) • You reasonably believe the defendant will comply with the citation • There is no danger to public safety in issuing a citation (<i>instead of arrest/commissioner</i>) • You are not arresting the suspect for another crime arising out of the same incident; • The defendant has complied with all lawful orders <p>Desired Response: No. There are many ways to identify an individual.</p>

GROUP ACTIVITY

Make a list of ways your trainee could identify someone in order to issue a criminal or civil citation.

ASK: If the suspect damages or destroys the citation, does that mean that they will not comply with it?

MVA ID/License

- Passport
- Dept. Of Corrections ID
- Military ID
- Work ID
- A combination of corroborated information
- Prior knowledge of suspect
- Arrest Viewer
- Dashboard

Desired Response:

- No, they need not be pleased to get the citation and they will receive court information in the mail.

Shoplifting

Looking at BPD policy...

- Policy 812 requires members to refer business owners/victims to the Court Commissioner for misdemeanor theft claims instead of writing a criminal citation
- A report will still be written.
- Supply the victim with the CC# on a 309 Form along with the name, address, and DOB of the suspect.

Slide 28

Policy 812 Misdemeanor Shoplifting Arrest Procedures Page 8 of 8

1.0. Conduct a warrant check on the suspect.
1.1. Release or release after the fact the case number.
1.2. Obtain a Criminal Complaint number from the Court Commissioner (CC#).
1.3. Supply the business owner/victim with the following:
1.3.1. Name, address and date created of the suspect.
1.3.2. The Criminal Complaint number.
1.3.3. A Court Commissioner's Report (CC#) and supply the appropriate information to the victim.
1.4. The business owner/victim should obtain a criminal citation for misdemeanor shoplifting from the Court Commissioner. (See Policy 812, Criminal and Civil Complaint Procedures.)
1.5. Complete and submit an Incident Report. Form 309 (which contains a property listing on the back) to the victim.
1.6. Arrest the suspect when:
1.6.1. The suspect is under 18 years of age.
1.6.2. The suspect is under 18 years of age and is a juvenile.
1.6.3. The suspect is under 18 years of age and is a juvenile and is a juvenile.

Shoplifting

Policy 812 requires members to refer business owners/victims to the Court Commissioner for misdemeanor theft claims instead of writing a criminal citation.

A report will still be written.

Supply the victim with the CC# on a 309 Form along with the name, address, and DOB of the suspect.

Warrantless Arrest

Under Maryland law, you may ONLY arrest without a warrant if you have probable cause of:

- Any crime committed in your presence
- Any felony not committed in your presence
- Stalking (*with evidence beyond victim's statement + a threat of imminent harm to victim*)
- Violation of a Peace/Protective Order/ERPO (**MUST ARREST**)
- Certain traffic offenses
- CERTAIN misdemeanors not in your presence ONLY IF a "factor" applies

Slide 30

Warrantless Arrest

Under Maryland law, you may ONLY arrest without a warrant if you have probable cause of:

- Any crime committed in your presence
- Any felony not committed in your presence
- Stalking (with evidence beyond victim's statement + a threat of imminent harm to victim)
- Violation of a Peace/Protective Order/ERPO (**MUST ARREST**)
- Certain traffic offenses
- CERTAIN misdemeanors not in your presence ONLY IF a "factor" applies

Warrantless Arrest

Step One: Was the crime committed in your presence?

A police officer may arrest without an arrest warrant:

- a person who commits or attempts to commit
- a felony or misdemeanor in the presence or within the view of the police officer.

Slide 31



Slide 32

On “the list” when there’s a Factor

We’re going to look at “the list” and “the factors” as well as a commonly misunderstood exception: domestic violence.

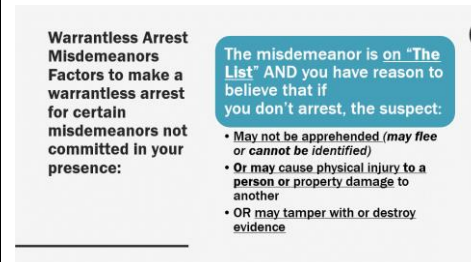
Factors to make a warrantless arrest for certain misdemeanors not committed in your presence:

- The misdemeanor is on “the list” (*next slide*)

AND you have reason to believe that if you don’t arrest, the suspect:

- May not be apprehended (*may flee or may not be identified*)
- OR may cause physical injury to another or property damage
- OR may tamper with or destroy evidence

Slide 32



Special Case: Domestic Violence

SAY: There is no crime called “domestic violence”.

The warrantless arrest exception is for assault in a “domestic” situation may allow you to arrest if a misdemeanor (*2nd-degree*) assault is committed between people who are married or live in the same household (*and other factors are also present*).

So, where you see “domestic violence” in these slides, the actual crime is 2nd degree assault.

Slide 34



2nd Degree Assault (Domestic Violence)

SAY: An arrest for misdemeanor (2nd Degree) assault which did not occur in the officer's presence can ONLY be made if:

- There is probable cause that an assault occurred
- AND the suspect battered his/her spouse or another person with whom the suspect resides
- AND there is evidence of physical injury
- AND a report to police was made within 48 hours
- AND at least one of "the factors" applies

The assault doesn't have to be reported by the victim within 48 hours; it only has to be reported by someone. *(This could include a situation where the officer's investigation results in a report.)*

ASK: What are some considerations regarding this law that you think that a trainee may need guidance on?

Slide 35

DOMESTIC VIOLENCE OR ABUSE


A police officer without a warrant may arrest a person if:


- The person battered the person's spouse or another person with whom the person resides;
- There is evidence of physical injury; and
- Unless the person is arrested immediately, the person:
 - May not be apprehended;
 - May cause physical injury or property damage to another; or
 - May tamper with, dispose of, or destroy evidence; and
- A report to the police was made within 48 hours of the alleged incident.

- MD Code, Criminal Procedure, § 2-204
- § 2-204. Domestic abuse or violence

Desired Response:

- A warrantless arrest for *(domestic violence)* requires evidence of physical injury, the injury doesn't have to be visible, a report of injury, i.e., victim says "it hurts here" is evidence of physical injury. You don't need a medical evaluation.
- The suspect and victim do not have to be in or formerly part of an intimate relationship, living in the same household is enough and includes vulnerable adults
- Mutual battery and self-defense considerations: if the police officer has probable cause to believe that mutual battery occurred and arrest is necessary, the police officer shall consider whether one of the persons acted in self-defense when

<p>Slide 36 SAY: To make a warrantless arrest , the people involved must either be: Married (whether living together or not) OR living together (family, roommates, intimate relationship, etc.)</p> <p>ASK: How would you instruct a trainee to determine who the primary aggressor is in a case where there may be a mutual battery or one of the people involved asserts they were defending themselves?</p>	<p>determining whether to arrest the person whom the police officer believes to be the primary aggressor.</p> <p>Slide 36</p> <div data-bbox="954 493 1421 741"> <p>Married or Living Together</p>  <p>To make a warrantless arrest, the people involved must either be:</p> <ul style="list-style-type: none"> • Married (whether living together or not) • Or living together (family, roommates, intimate relationship, etc.) </div> <p>Desired Response:</p> <ul style="list-style-type: none"> • You need to conduct an investigation. Look for other witnesses and evidence to see if it corroborates what has been told to you. • You may need to Mirandize both to talk to them. • Check to see if there are any court orders against the parties involved.
<p>III. REVIEW/EVALUATION/CLOSURE</p> <p>Let's review what we've discussed:</p> <p>ASK: What is an "effective response"?</p>	<p>Time: (5-10 minutes)</p> <p>Slide 37</p> <div data-bbox="954 1276 1421 1518"> <p>Review</p> <p>An "effective response" focuses on our goals of:</p> <ul style="list-style-type: none"> • Reducing serious crime • Holding offenders responsible • Making public spaces safe & orderly • Making people feel safe • Providing quality services • Using force and authority fairly & effectively • Using resources fairly & efficiently </div> <p>Desired Responses: An "effective response" focuses on our goals of:</p> <ul style="list-style-type: none"> • Reducing serious crime • Holding offenders responsible • Making public spaces safe

	<p>& orderly</p> <ul style="list-style-type: none"> • Making people feel safe • Providing quality services • Using force and authority fairly & effectively • Using resources fairly & efficiently*
<p>SAY: Remember to remind trainees when arrests are not allowed.</p>	<p>Slide 38</p> <div> <ul style="list-style-type: none"> • No probable cause • Crime doesn't carry jail time • Civil offense (<10g marijuana) • Where it's not the most effective way to resolve the issue • Where not allowed by MD law </div> <div> <p>ArrestNot Allowed</p> </div>
<p>Questions</p> <p>ASK: What questions, concerns, or comments?</p>	<p>Slide 39</p> <div>  <div> <p>Questions? Concerns? Comments?</p> </div> </div> <p><i>The instructor should provide students with a copy of Appendix A (Quick Study Guide) and answer as many questions as time allows.</i></p>

Appendix A

Quick Study Sheet – Updated June 1, 2020

Court Commissioner

- Overview- The court commissioner is ALWAYS an option when there's probable cause of a crime and you know the identity of the suspect
 - A court commissioner may issue an arrest warrant where:
 - The defendant previously has failed to appear
 - OR the whereabouts of the defendant are unknown
 - OR the defendant is in custody for another offense;
 - OR there is probable cause the defendant poses a danger to another person or the community (articulate in application)

Criminal Citation

- Crimes where you MUST TRY to issue a criminal citation:
 - Simple possession of marijuana (10 grams+ only. Less than 10g is civil.)
 - Misdemeanors with a maximum penalty of 90 days or less
 - Exceptions:
 - You CANNOT give a citation for:
 - failure to comply with a peace order or protective order (including out of state protective order)
 - possession of an electronic control device (taser/etc) after conviction for a drug felony or crime of violence
 - abuse or neglect of an animal
 - violation of victim contact release condition for: a sex crime against a minor; a crime of violence; stalking; a crime against victims eligible for a protective order
 - Obstruction and hindering a police officer
- Crimes where you CAN TRY to issue a criminal citation:
 - Malicious destruction (if value is under \$1000)
 - Misdemeanor theft (if value is at least \$100 but under \$1500)
 - Sale of alcohol to underage or intoxicated individual
 - Business allowing alcohol consumption underage or not according to license
 - Gambling or bookmaking (running/hosting only – participating in gambling is a civil offense)
- REQUIRED for criminal citation (anything missing = can't issue a citation):
 - Probable cause the suspect committed a crime
 - AND acceptable proof of the defendant's identity
 - AND reasonable belief that: the defendant will comply with the citation
 - AND reasonable belief that: issuing the citation (instead of arrest/applying for warrant) will not pose a threat to public safety

- AND the defendant is not under arrest for another charge arising out of the same incident
- AND the defendant complies with all lawful orders by the officer