



# LEGALLY MANDATED AUTHORITY

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## I. **MARYLAND LAW AND ANNE ARUNDEL COUNTY CHARTER**

*The Maryland Public Safety Article §1-101 defines a police officer. Various Maryland laws and common law empower police officers to conduct detentions, conduct searches with and without warrants in specified circumstances, make arrests for misdemeanors and felonies, and issue traffic, criminal, juvenile, and civil citations.*

The Anne Arundel County Charter, Article V, Section 543 and 544 establishes the Police Department and defines its responsibilities.

The Charter states that the Police Department is responsible for preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and enforcement of the laws and the rules and regulations made in furtherance thereof. The Police Department will have and perform such other duties and functions as may from time to time be assigned by the County Executive or by ordinance of the County Council.

## II. **CONSTITUTIONAL REQUIREMENTS**

All sworn officers of the Anne Arundel County Police Department will observe all Constitutional requirements in the discharge of their duties as law enforcement officers.

### **A. Interview & Interrogation, Right to Counsel**

*Officers must abide by all common law and statutory requirements regarding the Fifth and Sixth Amendment rights of criminal suspects. See Index Code 1823 (Interview and Interrogation) and Index Code 1702 (Arrest & Custody of Juveniles).*

### **B. Prompt Presentment of Arrestee Before Judicial Officer**

An arrested person is entitled to be presented without unnecessary delay, ***generally within 24 hours***, before a judge or magistrate of the court having jurisdiction of the offense. The officer will file or cause to be filed a complaint describing the offense for which the person was arrested.

### **C. Pretrial Publicity**

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

### **D. Search and Seizure**

*Officers will follow the established statutory and Constitutional requirements regarding application for and service of warrants for arrest and searches. Additionally, officers will abide by statutory and Constitutional requirements regarding warrantless searches and seizures. See Index Code 1621: Search and Seizure.*

## III. **LAW OF ARREST AND CITATION**

All sworn members of the department are governed by ***common law and statutory law*** in the execution of their responsibilities as law enforcement officers ***regarding arrest, citation, and charging of violations of law.***

**A. ARRESTS**

**1. Arrest Warrants/Detainers:**

*Police officers must arrest an individual who the officer knows has an outstanding arrest warrant or detainer issued by a court in Maryland. Police Officers must arrest an individual who the officer knows has an outstanding, extraditable, out-of-state warrant or detainer.*

**2. Felonies:**

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

**3. Misdemeanors-IN Presence of Police Officer:**

*Police officers may arrest an individual without an arrest warrant when the officer has probable cause to believe that a misdemeanor (NOT including violations of the Maryland Vehicle Law) has been committed or attempted in the officer's presence, and that a specific individual or individuals committed the misdemeanor.*

*Police officers may arrest for violations of Maryland Vehicle Law committed in the officer's presence only in accordance with statutory requirements.*

**4. Misdemeanors-NOT in Presence of Police Officer:**

Police officers may arrest an individual without an arrest warrant when the officer has probable cause to believe that a misdemeanor (*including violations of the Maryland Vehicle Law*) has been committed or attempted NOT in the officer's presence only when relevant statutory requirements are met.

**B. CITATIONS**

*Police officers' authority to issue Criminal, Civil, Juvenile, and Traffic Citations is governed by Maryland statutory law. Police officers must abide by those statutory requirements which require issuance of citations in lieu of arrest or prohibit officers from issuing a citation in specified circumstances. See Index Codes: 2190 (Adult Uniform Criminal Citation), 1703 (Juvenile Citations), 2191 (Civil Citation) and 1937 (Traffic Citations)*

**IV. AUTHORITY OF THE CHIEF OF POLICE**

Section 543 of the Anne Arundel County Charter designates the Chief of Police as being responsible for managing the operations and administration of the Police Department. Nothing in the Anne Arundel County Police Department's Rules and Regulations and Manual of Procedures *may* restrict the Chief of Police from taking any actions pursuant to the authority granted to the Chief of Police by Section 543 of the Anne Arundel County Charter. (See Index Code 202).

**V. PROPONENT UNIT:** Office of the Chief of Police

**VI. CANCELLATION:** This directive cancels Index Code 105.1, dated *12-05-14*.