



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: ALTERNATIVES TO ARREST & ISSUANCE OF CITATIONS

NEW REVISED RESCINDS

APPROVED: *GM*
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ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. POLICY

- A. There are a variety of situations which could be resolved more suitably by exercising alternatives to arrest. Because there are public and private agencies that provide services of a varied nature to the community, the Department authorizes and encourages its officers to make referrals to these agencies as necessary and appropriate, since oftentimes an arrest may not solve or address an underlying problem.
- B. An officer making a referral is not relieved from his/her duties regarding the completion and submission of required reports, keeping the victim informed of the status of the case, and any follow-up investigation.

II. ISSUANCE OF A WARNING VERSUS MAKING AN ARREST

A. For Misdemeanors

Officers must be cognizant of the fact that frequently, a verbal or written warning to violators of very minor offenses, like "Jaywalking," for instance, would be sufficient and that the formal placing of charges either by way of citation or arrest (when applicable) in such cases should not be made unless the violation is deliberate and/or repeated.

B. For Municipal Infractions

1. It is important for officers to realize that an arrest cannot and must not be made if a Cottage City "Municipal Citation" is issued because these offenses are Non-Criminal in nature.
2. The infractions are offenses that have been de-criminalized and are considered civil in nature.
3. A District Court "Municipal Citation" will be issued whenever an officer intends to charge someone with such an offense.

III. PROCEDURES FOR MAKING REFERRALS TO APPROPRIATE AGENCIES

A. Some minor offenses can be resolved by a referral to an appropriate social service agency, such as the Prince George's County Department of Social Services or other applicable agencies. The role of the Cottage City Police in these programs is one of appropriate referral.

B. Criteria for Referrals

1. There are some situations in which a minor crime is alleged (i.e., simple assault) but not committed within the officer's presence and/or an arrest does not fit the criteria mandated in the Laws of Arrest.
2. In instances in which a lawful arrest cannot be made, an appropriate referral would be to the nearest Court Commissioner's Office or the State's Attorney's Office for Prince George's County.
3. An officer referring a citizen to the Commissioner to apply for a charging document for a crime committed in Cottage City must obtain a CCN and write an appropriate Event Report so that the citizen can take this with him/her to the Commissioner.
4. If an officer makes an arrest of an adult, the defendant is essentially referred to the judicial system. In the case of a juvenile, the arrest is referred to the Department of Juvenile services for disposition.

However, there are times when officers will encounter individuals (both adults and Juveniles) who are in need of, or better served by another agency, and in this case, a timely referral may solve an underlying problem.

5. Before an officer refers someone to an agency, the officer must be familiar with agencies and services available and take into account certain considerations, such as
 - If a person who is intoxicated cannot be or is not going to be arrested, an officer encountering the individual may consider transporting him/her to a detoxification facility, referring him/her to "Alcoholics Anonymous," or to the Prince George's County Health Department.
 - Is there a program/agency that can effectively deal with the individual, aside from the criminal justice system?
 - Is the program community-based or government-based?
 - Is there a fee?
 - Will the program address/solve any underlying problem the individual has (such as alcoholism which seems to cause the family dispute, etc.?)
6. If the person to be referred has committed a crime for which a victim has been identified and located, the victim must be consulted regarding the officer's decision to refer the individual to an appropriate program prior to the referral being made to ensure that the victim agrees with the officer's decision to refer.
 - In juvenile matters, it may be more appropriate for an officer to "close the case by exception" on an Event Report and forward it to PGPD Records Division.

IV. SERVICES AVAILABLE

- A. Juveniles -some of the services available to juveniles which may be of assistance:
 1. Child Protective Services, 301-909-2000,
 2. Department of Social Services, Protective Services, 301-209-5000 (day), 301-699-8605, (night),
 3. Department of Juvenile Services, 301-345-5900 (Greenbelt), 301-952- 2580 (Upper Marlboro), 301-633-7573 (after hours),
 4. Family Crisis Hotline 301-864-9101.
 5. Child Abuse Services, 1-800-224-5373,
 6. Prince George's County Mediation and Conflict Resolution Collaborative 301-925-4729, and

B. Adults - when adults are involved, the following programs may be of assistance:

1. Adult Protective Services, 301-808-5500,
2. First Call for Help 1-800-492-0618,
3. Alcoholics Anonymous, 202-966-9115, for Spanish speaking AA inquiries, 301-587-6191,
4. Parents Anonymous, 1-410-423-2322, 1-800-243-7337
5. Cocaine Hotline, 1-800-COCAINE,
6. Legal Aid Bureau of Prince George's County, 301-927-2101,
7. Lawyer Referral Service, 301-925-1442,
8. Public Defender's Office, 301-925-2567, and

C. Victims

1. Officers must be extremely sensitive to the needs of victims and/or to those people that would benefit from crisis intervention programs.
2. Listed below are some of the many programs available that may be of assistance:
 - Abused Persons Protective Services, 301-209-5000 (day), 301-699- 8605 (night),
 - Adult Protective Services, 301-808-5500,
 - House of Ruth Hotline, 1-410-889-7884,
 - Lawyer Referral Service, 301-925-1442,
 - Children's Abuse Services, 1-800-224-5373,
 - Crisis Center, 301-731-1203,
 - Human Relations Commission, 301-883-2649,
 - Jewish Social Service Agency, 1-410-466-9200
 - P.G.C.A.S.A. (People against Child Abuse), 301-209-0491,
 - Sexual Assault Center, 301-608-3154,
 - Rape, Abuse and Incest Network, 1-800-656-4673,
 - The Stephanie Roper Foundation, 301-952-0063,
 - Maryland Network against Domestic Violence, 1-800-MD-HELPS,
 - Family Services Foundation, 301-735-0045
 - Family Services - Women's Division, 301-882-5370.

3. The Station Clerk will maintain a binder (known as the Community Resource Guide) at the station front counter listing and describing the various programs and agencies to which persons can be referred.

V. ISSUANCE OF CRIMINAL OR CIVIL CITATIONS

As an alternative to a physical arrest, a Criminal/Civil Citation may be issued under certain circumstances and for specific offenses.

- A. Issuance of citation is authorized by the Annotated Code of Maryland, Criminal Procedure Article (CP) §2 - 201 through §2 - 210.
- B. The citation may only be used to cite a violation of those offenses listed in the Citation Manual (issued to each officer), the maximum penalties for which do not exceed three (3) months imprisonment and/or a fine of \$500.00, or both.
- C. If an individual has been arrested, processed, and taken before a Commissioner, a Citation will not be used, but a Statement of Charges will be completed and related charges will not be cited on a citation.
- D. Before a citation can be issued, all tests for probable cause and the Laws of Arrest must be met.
- E. Officers may issue a citation to:
 1. Maryland residents,
 2. Out-of-State residents at the discretion of the citing officer, except for the crime of theft or the crime of vandalism (out-of-state residents cannot be charged via citation for these two criminal violations),
 3. Persons employed in Maryland, and
 4. Adults and juveniles.
- F. An officer issuing a Criminal/Civil Citation will:
 1. Legibly complete both sides of the citation in as much detail as possible,
 2. Include a Statement of Probable Cause,

3. Indicate the maximum penalty the Court can impose for the offense,
 4. Complete a "State's Attorney's Witness Information" form for criminal violations cited in order to have witnesses issued summonses.
 5. Notify the parent/guardian of a juvenile charged and have the parent or guardian sign the citation in the appropriate area.
 6. Ensure the citation indicates that the defendant will be notified of the Court date, unless the officer decides to set a Court date.
- G. Pursuant to 3-835 of the Courts and Judicial Proceedings Article, a juvenile shall be issued a citation if the issuing officer has probable cause to believe that the juvenile is violating the Maryland Annotated Code, Criminal Law Article (CR) §10 -113 through §10 -116 and Education Article (ED) §26 - 103 (offenses related to alcohol possession and/or the consumption of alcohol).
- H. The Criminal/Civil Offense Citation is for issuance to the defendant at the scene of an incident or in close proximity thereto.
- I. However, it can be issued elsewhere (i.e. Police Station, Hospital, or short distance away from the scene), if the situation at-hand requires the defendant's removal from the scene in the interest of preserving peace and order.
- J. Once the citation is issued, whether at the scene or elsewhere, the defendant shall be released immediately and without necessary delay.
- K. The taking of a photograph is permissible and, in fact encouraged, because it documents the defendant being at the scene, any injuries received as a result of an altercation, and may be useful in a subsequent photo-array.
- L. The defendant does not have to sign the citation. If a defendant refuses to sign, the issuing officer will indicate so on the line provided for the defendant's signature and serve the defendant's copy on him/her.
- M. If an officer or a citizen desires to place criminal charges against a violator and a lawful arrest cannot be made, nor would the issuance of a Citation be in accordance with the preceding procedures and criteria, the officer or citizen will have to appear before a Commissioner to apply for a charging document.

- N. The issuing officer will tear all copies from the citation book (except issuing officer's copy, from which the officer can testify) and will forward them for supervisory approval.
- O. After supervisory approval, the citation will be forwarded to the Communications Supervisor for entry into the Master Name Index, copying and filing, and appropriate distribution.
- P. An officer who issues a Citation outside the boundaries of this directive could be deemed in violation of this directive and may be subject to disciplinary action. The issuance could also result in the State's Attorney's Office electing not to pursue the case since the arrest could ultimately be decided unlawful and/or charging document judged defective.