

Laurel Police Department – General Order
Chapter IV, Section 600, Order 608 – Arrest Procedures
June 23, 2013

4 / 608.05 POLICY

It is Department policy to adhere to all citizens rights as set forth in the United States Constitution, State of Maryland Laws and the City of Laurel Code.

4 / 608.10 PURPOSE

The purpose of this General Order is to ensure that arrests are conducted in a legally sufficient manner and as safely as possible.

4 / 608.15 DEFINITIONS

Officer(s) City of Laurel Police Officer

4 / 608.20 PROCEDURES

A. GENERAL

1. Officers of this Department shall exercise the power of arrest in compliance with Constitution of the United States, the Laws of the State of Maryland and the Laurel City Code.
2. Arrests made without a warrant shall conform to the Maryland Code, Criminal Procedures.

B. ARRESTS WITHOUT A WARRANT

1. Felony Arrests
 - a. An officer may make a warrantless arrest of a person for a felony when:
 - 1) A person commits, or attempts to commit, a felony in the presence of, or within the view of the officer;
 - 2) The officer has probable cause to believe that a felony is being committed in the officer's presence or within the officer's view; and/or
 - 3) The officer has probable cause to believe that a felony has been committed or attempted and that such person has committed or attempted to commit a felony whether or not in the officer's presence of view.
2. Misdemeanor Arrests - In the presence or view of the officer
 - a. An officer may make a warrantless arrest of a person for a misdemeanor when:
 - 1) A person commits, or attempts to commit, a misdemeanor in the presence of, or within the view of, the officer;
 - 2) The officer has probable cause to believe that a misdemeanor is being committed in the officer's presence or within the officer's view.
3. Misdemeanor Arrests - Not in the presence or view of the officer
 - a. The following applies to adults only.
 - b. Prior to making an arrest for a misdemeanor not committed in an officer's presence or view, the officer must have probable cause to believe that the suspect has committed one of the misdemeanor offenses listed in 4/606.20.B.3.c and unless that person is immediately

Laurel Police Department – General Order
Chapter IV, Section 600, Order 608 – Arrest Procedures
June 23, 2013

arrested:

- 1) The person may not be apprehended; or
 - 2) The person may cause injury to the person or damage to the property of one or more other persons; or
 - 3) The person may tamper with, dispose of, or destroy evidence.
- c. Misdemeanor offenses for which an officer is authorized to make a warrantless arrest, when the offense is not committed in his/her presence or view, include only the following:
- 1) Burning, or attempting to burn, barracks, cribs, hay, com, lumber, etc.; railway cars, watercraft, vehicles, etc.
 - 2) Setting fire while perpetrating another crime, or an attempt to do so.
 - 3) Carrying or wearing weapons.
 - 4) Destroying, injuring, etc., the property of another, or an attempt to do so.
 - 5) Giving a false alarm of fire.
 - 6) Restricted possession of hypodermic syringes, etc.
 - 7) Theft, where the value of the property stolen was less than \$1,000.00, or an attempt to do so.
 - 8) Breaking into a building with the intent to steal, or an attempt to do so.
 - 9) Common law assault, when committed with intent to do great bodily harm.
 - 10) Drug law violations or an attempt to violate CDS laws.
 - 11) Handgun violations.
 - 12) Indecent exposure.
 - 13) Domestic Violence
- d. When the violation is a misdemeanor not enumerated above, the officer shall:
- 1) Attempt to identify the suspect; AND
 - 2) If the suspect is positively identified, the officer may provide identity information to the accuser/victim/witness and advise them to obtain a warrant/summons, at the District Court Commissioner's Office.
 - a) The warrant information handout should be given to this individual.
 - 3) The officer may attempt to obtain a warrant/summons based on the available information:
 - a) In cases where the victim is elderly, frightened or otherwise afraid to obtain a warrant/summons (but is willing to testify in court), the officer shall assist by applying for the charging document.
 - b) Officers are encouraged to apply for warrants/summons when probable cause is developed through investigations for misdemeanors not committed in the officers' presence or view.
4. Misdemeanor Arrests – Juveniles – Not Committed in officer's presence or view
- a. Refer to General Order 7-101, Juvenile Procedures

C. FORCIBLE ENTRY TO EFFECT ARREST

1. Except when the urgency of a situation demands immediate action, a supervisor must approve forcible entry of any premises made solely to affect an arrest.
2. Officers in possession of an arrest warrant and with reasonable suspicion that the person named

Laurel Police Department – General Order
Chapter IV, Section 600, Order 608 – Arrest Procedures
June 23, 2013

in the warrant is inside his/her own residence may forcibly enter that residence to effect an arrest if:

- a. Demand of entrance is made by the officer(s) and consent to enter is denied by the occupant, OR;
 - b. The person refuses to communicate with the officer(s) present, indicating an implied denial of consent to enter.
3. Officers in possession of an arrest warrant and with reasonable suspicion that the person named in the warrant is inside the residence of a third party may NOT enter that residence without the consent of the third party. In such cases, entry without consent requires a search warrant or exigent circumstances.
4. Officers may not make forcible entry of any residence to effect the warrantless arrest of any person unless exigent circumstances exist.
- a. Exigent circumstances are limited to:
 - 1) Fresh pursuit of a person whom the officer has probable cause to believe has committed a crime.
 - 2) To arrest a person charged with a serious offense that has just escaped from the officer's custody.

4 / 608.25 GOVERNING LEGISLATION AND REFERENCES

Maryland Code, Criminal Procedure, Title 2. Law Enforcement Procedures: Arrest Process, Subtitle 2.
Warrantless Arrests

General Order 4-101, Vehicle Pursuit
General Order 4-105, Domestic Violence
General Order 4-121, Foot Pursuits
General Order 5-118, Criminal Citations
General Order, 5-118A, Criminal Citations
General Order 7-101, Juvenile Procedures
CALEA Standard 1.2.5

4 / 608.30 ANNEX

None