



LEGALLY MANDATED AUTHORITY

INDEX CODE: 105.1
EFFECTIVE DATE: 10-28-05

Contents:

- I. Anne Arundel County Charter
- II. Constitutional Requirements
- III. Law of Arrest
- IV. Authority of the Chief of Police
- V. Proponent Unit
- VI. Cancellation

I. ANNE ARUNDEL COUNTY CHARTER

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. The following topics are emphasized:

A. Coercion and Involuntary Confessions Prohibited; Right to Counsel

*Officers will not coerce or obtain involuntary confessions from persons suspected of criminal involvement. Prior to interrogating a suspect who is in custody, an officer must first advise the suspect of his/her constitutional rights as required by the U.S. Supreme Court decision of *Miranda v. Arizona* (1966). The arrested person must be allowed to speak with his or her attorney if so requested.*

The definition of custodial interrogation can be a confusing concept. Therefore, whenever there is doubt about a custodial interrogation, the suspect should be advised of his/her constitutional rights.

When Miranda warnings are not necessary:

1. Before questioning a person who was merely a witness to a crime or who may know something about a crime but is not a suspect.
2. Before questioning suspects who have not been deprived of their freedom in any significant way and realize that they are free to terminate the interview at any time.
3. Before questioning a motorist stopped for a routine traffic offense.
4. Before asking questions reasonably motivated by concern for public safety.
5. Without express questioning or its functional equivalent, there is no "interrogation" within the meaning of *Miranda*, even though the suspect may be in custody.

A written statement or confession must be prepared with a statement to the effect that the defendant knows the official character of the officer or officers to whom he/she is making the statement, that he/she has been advised of his/her right to remain silent and need not make a statement, that any statement made must be voluntary and may be used against him/her in a court of law, and that he/she has been advised of his/her right to the presence of counsel before making any statement. Officers will not use any language indicating that the statement may be used “for” the defendant in court. When more than one officer is present, the name of the officer advising the defendant of his/her rights must be set out in the preamble.

B. Prompt Presentment of Arrestee Before Judicial Officer

An arrested person is entitled to be presented without unnecessary delay 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.

III. LAW OF ARREST

All sworn members of the department are governed by the following in the execution of their responsibilities as law enforcement officers.

The law of arrest in Maryland is in both common law and statutory form. The basic distinction in Maryland’s law of arrest is between arrests for felonies and arrests for misdemeanors the “less serious” crimes. Most crimes are identified by statute as being either a felony or misdemeanor.

In Maryland, 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.

Arrests for misdemeanors must be made on the basis of an arrest warrant or firsthand personal knowledge of the officer, except for certain statutory misdemeanors, where a warrant less arrest is permitted under certain circumstances. In addition, arrests for certain serious misdemeanor traffic violations may be made on the basis of probable cause. See Section 26-202 of the Transportation Article (Maryland Vehicle Law), which is issued annually to every officer.

Relevant excerpts of *Criminal Procedures Section 2-204* pertaining to the law of arrest are reprinted as Appendix A of this directive. Every sworn officer is issued an updated Digest of Criminal Laws once a year. This digest provides law enforcement officers with current laws pertaining to arrests, both with and without a warrant.

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 shall 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: Management & Planning Section.

VI. CANCELLATION: This directive cancels Index Code 105.1, dated 10-16-98.