



PRETRIAL RELEASE

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EFFECTIVE DATE: 12-15-09

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I. AUTHORITY OF POLICE OFFICERS

Police officers are authorized under limited circumstances to release an arrested person on recognizance prior to trial. These circumstances are:

A. Maryland Uniform Complaint & Traffic Citation

Police officers are required to release on recognizance any person charged with most violations of the state's traffic laws, upon issuance of a Maryland Uniform Complaint and Citation. Certain traffic violations require arrest and presentment of the violator to a District Court commissioner. Officers' authority in these areas is described in the Index Codes on traffic enforcement, and in the Maryland Vehicle Law, a copy of which is issued to every officer.

B. Release of DUI Suspect to Sober Adult

Under certain circumstances, officers may release a person who has been arrested and charged with driving under the influence of alcohol to a sober adult. See Index Code 1905 for further details.

C. Maryland Criminal/Civil Citation

Officers may charge certain misdemeanor crimes on a Maryland Criminal/Civil Citation and then release the violator pending trial or payment of a fine. See Index Codes 2190 and 2191 for further details.

D. Juvenile Citation

Juveniles who have been detained or arrested are referred to the Department of Juvenile Services upon issuance of a Juvenile Citation. The juvenile is released to the custody of a parent or guardian upon obtaining the signature of the custodian guaranteeing the child's appearance at the hearing. See Index Code 1703 for further details.

II. PD FORM 622 (NOTICE TO DEFENDANT) & DISTRICT COURT OF MARYLAND “NOTICE TO APPEAR” FORM

Any time a defendant is charged with an offense that includes the possibility of incarceration as part of the punishment, and the defendant WILL NOT be taken before a District Court Commissioner, PD Form 622 (Notice to Defendant) must be completed by the charging officer. This applies to both criminal and traffic offenses.

If a defendant is charged with a TRAFFIC OFFENSE where an arrest has been made or could have been made (i.e., DUI station releases and suspended/revoked drivers), and the defendant WILL NOT be taken to a District Court Commissioner, a green District Court of Maryland “Notice to Appear” form must be issued to the defendant. This form will be issued to the defendant in addition to PD Form 622.

Officers are required to carry a supply of these forms in their vehicles at all times while on duty.

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III. AUTHORITY OF THE DISTRICT COURT

Except for the cases listed above, any person who is arrested and charged with the commission of a crime must be presented for an initial appearance before a judge or commissioner of the District Court. The court official has sole authority to release the person on recognizance, on bail, or to commit the person to the Detention Center pending trial.

IV. PROPONENT UNIT: Staff Inspections Section.

V. CANCELLATION: This directive cancels Index Code 105.3, dated 05-05-06.