

La Plata Police Department – General Order

	Title: Alternatives to Arrest		Order #: 411	
	Effective Date: May 15, 2015	Review Date:		
	<input checked="" type="radio"/> New <input type="radio"/> Amends <input type="radio"/> Rescinds			
Approved by: Chief Carl Schinner				CALEA 5 th Edition
CALEA Standard: 1.1.3 1.2.6				Pages: 1

01 POLICY: It is the Department’s policy that decisions for officers to arrest or not to arrest suspects should be made after consideration of circumstances that may include, but are not limited to the following:

- A. Whether arrests would cause greater risk of harm to the public than not arresting offenders;
- B. Whether arrests would cause harm to offenders who pose no threat of danger to the public; and,
- C. The seriousness of crimes involved.
- D. Whether law or Department Orders mandate an arrest be made.

02 PROCEDURE:

- A. Officers may seek alternatives to physical arrest when hazards to the community, victim or suspects do not result. This is a natural result of officers being vested with the use of discretion within the guidelines of agency standards, statutory and case law, and to some extent, prevailing community standards.
- B. The Department recognizes that there are a variety of situations which may be resolved more suitably by exercising alternatives to arrest.
 - 1. Officers are encouraged to make necessary or appropriate referrals to public and private agencies that can provide services to address or solve underlying problems that cause incidents.
 - 2. Criminal/Civil/Juvenile citations in lieu of a custodial arrest may be the best course of action.

3. Referrals to the District Court Commissioner who are allowed to issue Criminal Summons as charging documents for minor crimes.

4. Persons arrested pursuant to the Maryland Vehicle Law will be taken without unnecessary delay before a District Court Commissioner, unless arresting officers, in their discretion, release arrestees upon their written promise to appear for trial.

5. Officers will not unnecessary delay the release of prisoners/detainees from custody if it is determined that formal placing of charges would be inappropriate, or investigation or other situations lead to the diminishment or probable cause to the point that it no longer exists.

C. Officers will not authorize a person to violate the law (this does not include controlled purchase of contraband). However, when the safety of victims, witnesses, suspects and officers can be maintained and no other exceptional circumstances exist, officers resolving misdemeanor situations necessitating formal action may do so within guidelines for citations in lieu of arrest.

D. Officers may exercise the concept of written warnings (traffic and criminal) and verbal warnings (criminal) on those traffic and simple misdemeanor offenses where the facts indicate proper resolution of the incident can be achieved without formal charges. However, officers will not evade the responsibility of properly resolving incidents or situations.