

OCEAN CITY POLICE DEPARTMENT
Ocean City, Maryland

SUBJECT: WARRANTLESS ARRESTS		NO. 600 A-1
APPROVED/EFFECTIVE DATE September 20, 1999	AMENDS G.O. 600 A-1 (03/01/88)	RESCINDS:
DISTRIBUTION/DATE A OCT. 1, 1999	REFERENCES: 1) United States Constitution, Bill of Rights, Fourth Amendment 2) The Annotated Code of the Public General Laws of Maryland, Crimes and Punishment, Article 27, Section 594B	

- .10 The Fourth Amendment to the United States Constitution reads, "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."
- .20 An arrest, with or without a warrant, is simply the seizure of a person. All custodial arrests require the same quantum of evidence -- probable cause.
- .30 The Fourth Amendment does not command that all arrests be made under the authority of an arrest warrant. However, it does dictate that all arrests meet its reasonableness standard.
- .40 Arrests made under the authority of an arrest warrant are reasonable. Warrantless arrests that are made in compliance with the laws of arrest as specified in the Annotated Code of Maryland, Article 27, Crimes and Punishment, Section 594B are also considered reasonable.
- .50 Upon making a warrantless criminal arrest of an adult, the charging officer must complete a Statement of Charges (DC/CR2, DC/CR 2A). The officer shall use the District Court Commissioner's Manual to determine the exact wording and proper codes for each offense charged. It is essential for the officer to accurately and completely record the wording for each criminal offense, to insure that the defendant is informed of every element and that he/she is properly charged with the offense(s).
- .60 In the case of a traffic arrest (adult) the charging officer will complete a Uniform Complaint and Citation (DR-49) for each offense charged. The citation will serve as the statement of charges in these cases.

- .70 Any officer making a criminal or a traffic arrest (adult) shall complete a Statement of Probable Cause (DC/CR 4, DC/CR4A). The narrative portion of the Statement of Probable Cause shall be a plain, concise, complete and definitive statement of essential facts constituting the offense(s) charged.
- .80 Prior to the charging documents being presented to the District Court Commissioner, the arresting officer shall have the desk sergeant, or his/her designee, review the Statement of Probable Cause and the Statement of Charges to insure that they accurately and completely satisfy all legal requirements for a custodial arrest.
- .90 In the case of the arrest of a juvenile, the arresting officer shall process and charge the juvenile in accordance with established procedures as found in General Order 600 J-1, Juvenile Detention Procedures.