

# Criminal Citations

**Index Code: 2005**  
**Effective Date: 01/01/13**

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## I. Purpose

In accordance with Chapter 504/505 (Senate Bill 422/House Bill 261) passed by the Maryland General Assembly in 2012 the procedures outlined in this directive are effective January 1, 2013.

A portion of the law mandates, with certain exceptions, that a law enforcement officer charge a defendant by a Uniform Criminal Citation for certain criminal offenses in lieu of a statement of charges; however, the law also authorizes a law enforcement officer to make a custodial arrest and process a defendant prior to release upon his or her signature on a criminal citation.

The purpose of this directive is to establish specific procedures for members of the Office of the Sheriff to ensure compliance with this mandate.

## II. Policy

It is the policy of the Office of the Sheriff that deputies shall make an arrest for "Qualifying Offenses," conduct a search incident to arrest, fingerprint, photograph, and issue a criminal citation in lieu of continued custody, if the suspect meets the "Criteria for Issuance of Criminal Citations" (See Section V).

## III. Qualifying Offenses

A. The following offenses qualify for charge by citation:

1. Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;
2. Any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less; and
3. Possession of marijuana under §5-601 of the Criminal Law Article.

*See Appendix A for a comprehensive list of qualifying offenses that require charge by criminal citation.*

B. The following offenses may not be charged by criminal citation:

1. Failure to comply with a peace order under §3-1 508 of the Courts Article;
2. Failure to comply with a protective order under §4-509 of the Family Law Article;
3. A violation of a condition of pretrial or post-trial release while charged with a sexual crime against a minor under §5-213.1 of the Criminal Procedure Article;
4. Possession of an electronic control device after conviction of a drug felony or crime of violence under §4-109(b) of the Criminal Law Article;
5. Violation of an out-of-state domestic violence order under §4-508l of the Family Law Article; and
6. Abuse or neglect of an animal under 10-604 of the Criminal Law Article.

## IV. Procedures

A. A Deputy who has grounds to make an arrest for an offense that meets the criteria specified in Section V of this directive shall issue a Uniform Criminal Citation. The defendant shall be released upon their signature on the Criminal Citation following processing at Headquarters.

B. A Deputy who has grounds to make an arrest for possession of marijuana, or an offense for which the maximum penalty of imprisonment is 90 days or less, shall make the arrest, conduct a search incident to the arrest, and process the defendant at Headquarters (i.e. fingerprint and photograph). The Deputy shall verify the suspect's identification through the Automated Fingerprint Identification System (LiveScan), through the suspect's photo identification, or through the Records Management System.

If a defendant meets the criteria specified in Section V the defendant shall be charged on a Uniform Criminal Citation, and after processing be released upon their signature on the citation in lieu of continued custody and an initial appearance before a district court Commissioner.

C. A Deputy shall not unlawfully detain any person based upon race, color, ethnicity, national origin, gender, age, sexual orientation, disability or genetic information.

D. A Deputy shall not participate in the use of any unlawful discriminatory characteristic as a cause for taking any law enforcement action against any individual or group of individuals.

**V. Criteria for Issuance of a Criminal Citation**

A. Although the law mandates the issuance of a criminal citation for qualifying offenses, the law requires the defendant to meet certain criteria to be released without approval by a court commissioner. If the defendant cannot meet the criteria the deputy must charge the individual on a statement of charges and ensure the defendant's appearance before a district court commissioner.

B. The law requires a law enforcement officer to charge a defendant on a criminal citation only if:

1. The officer is satisfied with the defendant's evidence of identity;
2. The officer reasonably believes that the defendant will comply with the citation;
3. The officer reasonable believes that the failure to charge on a statement of charges will not pose a threat to public safety;
4. The defendant is not subject to arrest for another criminal charge arising out of the same incident; and
5. The defendant complies with all lawful orders by the officer.

C. In any case where a defendant appears before a district court commissioner in a citable case, the deputy must state in the probable cause statement which criteria above the defendant failed to meet.

**VI. Required Forms and Reports**

**A. Uniform Criminal Citation Form DC/CR 45**

A Uniform Criminal Citation form shall be used to charge a defendant by citation. The deputy shall use either:

1. The pre-printed/pre-numbered book provided by the District Court; or
2. In the case of an electronic format, the assigned electronic citation number provided by the District Court.

**B. Probable Cause Continuation Sheet Form DC/CR 4**

Under no circumstances should a deputy try to write the entire probable cause statement on the back of the Uniform Criminal Citation. The deputy shall use the statement of probable cause continuation sheet to complete the probable cause narrative outlining the facts and circumstances substantiating the charge. The Uniform Criminal Citation number shall be recorded in the case number block on the continuation sheet. A copy of the criminal citation shall be forwarded to the States Attorney's Office along with the probable cause continuation.

**C. Statement of Charges Form DC/CR 2**

A Statement of Charges is used if the defendant does not comply with Section V. If the defendant is charged on a Statement of Charges for an offense that qualifies for charge by criminal citation, a note should be placed at the end of the statement of probable cause as to why the defendant went before the Commissioner instead of being released on citation (See Section V).

**D. ICIS Report**

In addition to the Uniform Criminal Citation and the probable cause continuation sheet(s), the deputy shall complete an ICIS report, including the arrest module, detailing the circumstances of the incident.

**VII. Victims and Witnesses**

The names and addresses of victims and witnesses shall only be listed in the ICIS report and not on the criminal citation.

**VIII. Form and Report Distribution**

Copies of the Uniform Criminal Citation and Probable Cause Continuation Sheet(s) shall be given to the defendant upon release, and copies forwarded to the State's Attorney's Office.

**IX. Law Enforcement Reporting/Statistical Data Collection**

On or before December 31, 2012 MPCTC and MSAC, in consultation with the Administrative Office of the Courts (AOC), will develop a format and procedures for the collection of certain criminal citations data. Beginning January 1, 2013 law enforcement agencies are required to collect the following data on all criminal citations issued:

1. Date, location, and time of issuance
2. Offense
3. Gender of the offender
4. State and county of residence
5. Race or ethnicity of the offender as:
  - a) Asian
  - b) Black
  - c) White
  - d) Other

The Field Operations Division Commander, or his/her designee, is responsible for the collection and dissemination of all required data.

**X. CALEA References:** None

**XI. Proponent Unit:** Field Operations

**XII. Cancellation:** None

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Sheriff Gary Hofmann