



Issuance of Criminal Citations

I. INTRODUCTION

Officers of the Ridgely Police Department shall issue a Criminal Citation for certain criminal offenses if the defendant meets certain criteria.

The 2012 Maryland General Assembly passed legislation (Senate Bill 422/ Chapter 504) mandating the issuance of a Criminal Citation for certain criminal offenses if the defendant meets certain criteria. If those criteria are met, the law allows an officer who has grounds to make a warrantless arrest to (i) issue a citation in lieu of making an arrest or (ii) make the arrest, process (i.e. fingerprint and photograph the defendant), and issue a citation in lieu of continued custody to await an appearance before a court commissioner.

II. DEFINITIONS

A. Qualifying Offenses: 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 SS 5-601 of the Criminal Law Article.

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

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

1. Failure to comply with peace order under SS 3-1508 of the Courts Article;
2. Failure to comply with a protective order under SS4-509 of the Family Law Article;
3. A violation of a condition or pretrial or post-trial release while charged with a sexual crime against a minor under SS5-213.1 of the Criminal Procedure Article;
4. Possession of an electronic control device after conviction of conviction of a drug felony crime or crime of violence under SS4-109(b) of the Criminal Law Article;
5. Violation of an out-of-state domestic violence order under SS4-508.1 of the Family Law Article; and
6. Abuse or neglect of an animal under SS 10-604 of the Criminal Law Article.

General Order No. 8-5 (Cont.)

III. POLICY

A. It is the policy of the Ridgely Police Department that an officer who has grounds to make an arrest for an offense that does not carry a penalty of imprisonment and who determines a defendant meets the criteria specified in IV. shall issue a Uniform Criminal Citation in lieu of arrest. The defendant shall be released upon their signature.

B. An officer 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, search incident to arrest, and process (i.e. fingerprint and photograph) the defendant. If the officer determines the defendant meets the criteria specified in IV, a defendant shall be charged by Uniform Criminal Citation and shall be released upon their signature on the citation in lieu of continued custody.

D. Ridgely Police Department employees shall not unlawfully detain any person based upon race, color, ethnicity, national origin, gender, age, sexual orientation, disability, or genetic information.

E. Ridgely Police Department employees shall not participate in the use of unlawful discriminatory characteristic as a cause for taking any law enforcement action against any individual or group of individuals.

IV. CRITERIA FOR ISSUANCE OF CITATION

A. Although the law mandates the issuance of a 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 listed below, the officer must charge the individual on a Statement of Charges and ensure the defendant's appearance before a court commissioner.

B. The law requires a law enforcement officer to charge a defendant on 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.

- In any case where a defendant appears before a District Court Commissioner in a citable case, the officer must state in the probable cause statement which criteria above the defendant failed to meet.

General Order No. 8-5 (Cont.)

V. REQUIRED FORMS AND REPORTS

A. Uniform Criminal Citation DC/CR 45

The officer shall use the Uniform Criminal Citation form to charge a defendant by citation. The officer shall use either:

1. The pre-printed/ pre-numbered book provided by the District Court, or
2. In the case of 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 the officer try to write the entire probable cause statement on the back of the Uniform Criminal Citation. The officer 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.

C. Statement of Charges Form DC/CR 2

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

D. Criminal Investigation Report

In addition to the Uniform Criminal Citation and the probable cause continuation sheet(s), the officer shall complete a Criminal Investigation Report detailing the circumstances of the incident. A copy of the report shall be forwarded to the States Attorney's Office with a copy of the citation.

E. Arrest Report

In addition to the above documents, an Arrest Report shall be completed through the Criminal Investigation report.

F. General

When an officer determines that a Uniform Criminal Citation shall be the form to charge a defendant, the officer shall use the pre-printed/ pre-numbered book provided by the District Court or the assigned electronic citation number provided by the District Court. The officer 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. If for any reason the defendant is charged on a statement of charges, instead of a criminal citation, a note should be placed at the ends of the statement of probable cause as to why the person went before the commissioner in lieu of being released on the citation (See IV).

- The names and addresses of the Victims and Witnesses shall only be listed on the CIR and not the citation. In every case, copies of the Uniform Criminal Citation and continuation sheet(s) shall be given to the defendant upon their release.

General Order No. 8-5 (Cont.)

VI. REPORT DISTRIBUTION

Copies of the Uniform Criminal Citation and Probable Cause Continuation Sheet(s) shall be given to the defendant upon release. Copies of the Uniform Criminal Citation, Probable Cause Continuation Sheet(s), and CIR shall be reviewed by a Supervisor, and forwarded to the States Attorney's Office for review.

VII. 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. The race or ethnicity of the offender as:
 - A. Asian;
 - B. Black;
 - C. Hispanic;
 - D. White; or
 - E. Other.

GOCCP in partnership with the Maryland State Police is pursuing an automated solution to law enforcement data collection via Delta+, the application that runs ETIX. Beginning January 1, 2013, Delta+ will include a race-based reporting module for criminal citations.

Law enforcement will enter all citation data electronically via Delta+. This data gets stored by MSP who will submit citation data for all law enforcement agencies in the state to MSAC by March 1 of each subsequent year. GOCCP and MSP are discussing the feasibility of updating Delta+ to include functionality similar to e-citations for criminal citations in late 2013. Updates to Delta+ will give officers the capability to scan MVA licenses, enter data, and print criminal citations in patrol vehicles. Officers will print out electronic criminal citations and follow current hardcopy procedures with the Courts.