



UNIFORM CRIMINAL CITATIONS

Directive: 16-104

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I. PURPOSE

The purpose of this Directive is to provide guidance to sworn members of the Department of General Services Maryland Capitol Police (MCP) when issuing Criminal Citations.

II. POLICY

It is the policy of the MCP that Police Officers may issue a Uniform Criminal Citation in lieu of arrest as outlined in the Maryland Annotated Code, Criminal Procedures Article § 4-101.

III. DEFINITIONS

- A. Uniform Criminal Citation (MD District Court Form DC/CR 45) - a written charging document that a police officer issues to a defendant, alleging the defendant has committed a crime.

IV. PROCEDURES

A. CRIMINAL CITATIONS GENERALLY

1. If the officer determines the defendant meets the criteria specified below, the defendant may be charged by Uniform Criminal Citation and released upon his or her signature on the citation in lieu of continued custody.
2. A police officer may charge a defendant by citation only if:
 - a. The officer is satisfied with the defendant's evidence of identity;
 - b. The officer reasonably believes that the defendant will comply with the citation;
 - c. The officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;

- d. The defendant is not subject to arrest for another criminal charge arising out of the same incident; and
- e. The defendant complies with all lawful orders by the officer.

B. CHARGING ON CITATION REQUIRED

- 1. Pursuant to the Criminal Procedures Article, police officers WILL charge by citation when they have probable cause for the following offenses:
 - a. Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;
 - b. Any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less; or
 - c. Possession of marijuana in the amount of 10 grams or more under § 5-601(c)(2)(i) of the Criminal Law Article.

C. MISDEMEANORS EXCLUDED FROM CHARGING ON CITATION

- 1. The following misdemeanors which maximum penalty of imprisonment 90 day or less are excluded from being charged on a criminal citation:
 - a. Failure to comply with a peace order under § 3-1508 of the Courts Article;
 - b. Failure to comply with a protective order under § 4-509 of the Family Law Article;
 - c. Violation of a condition of pretrial or post-trial release while charged with a sexual crime against a minor under § 5-213.1 of this article;
 - d. 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;
 - e. Violation of an out-of-state domestic violence order under § 4-508.1 of the Family Law Article; or
 - f. Abuse or neglect of an animal under § 10-604 of the Criminal Law Article.
- 2. When charging with one of these offenses, the officer will charge the defendant on a Statement of Charges (DC/CR 2) and ensure the defendant's appearance before a District Court Commissioner.

D. DISCRETIONARY CHARGING ON CITATION

1. A police officer is not compelled but may charge by citations for:
 - a. Sale of an alcoholic beverage to an underage drinker or intoxicated person under § 6-304, § 6-307, § 6-308, or § 6-309 of the Alcoholic Beverages Article;
 - b. Malicious destruction of property under § 6-301 of the Criminal Law Article, if the amount of damage to the property is less than \$500; or
 - c. Misdemeanor theft under § 7-104(g)(2) of the Criminal Law Article.
 - d. An offense which does not carry a penalty of imprisonment.
2. A police officer who has grounds to make a warrantless arrest for an offense that may be charged by citation under this subsection may:
 - a. Issue a citation in lieu of making the arrest; or
 - b. Make the arrest and subsequently issue a citation in lieu of continued custody.

E. RESPONSIBILITIES

1. Officers who have grounds to make a warrantless arrest for an offense that does not carry a penalty of imprisonment may issue a Criminal Citation at the scene and release the defendant on their signature in lieu of a custodial arrest.
2. Officers who have grounds to make a warrantless arrest for possession of marijuana or an offense for which the maximum penalty is imprisonment of 90 days or less, WILL:
 - a. Make a custodial arrest;
 - b. Transport the defendant for processing (e.g., fingerprint and photograph);
 - c. Issue the defendant a Criminal Citation, only if the defendant meets the criteria outlined in VI, A, 2 above;
 - d. Release the defendant from custody once the defendant signs the Criminal Citation;
 - e. Ensure the defendant receives a copy of the Criminal Citation;
 - f. List victims or witnesses on the Court Copy of the Criminal Citation and ensure the defendant does not receive this information;

- g. Complete an Incident Report in the “REPORT EXEC” CAD/RMS system to include:
- 1) Listing the defendant as a “CONTACT” within the report;
 - 2) Checking “ARRESTED” under the “Contact Type”; and
 - 3) Completing the “ARRESTED” Tab within the Contact. This will generate the “ARREST/BOOKING SHEET” as part of the report.