

Criminal Citations

Index Code: 2005

Effective Date: 10/27/20

I. Purpose

In accordance with the 2017 Maryland Code Criminal Procedure Subtitle 1; 4-101, the procedures outlined in this directive are effective as of the release of this updated directive. It is the purpose of the Queen Anne's County Office of the Sheriff to provide clear interpretation of charging procedures for all aspects of criminal enforcement. The State of Maryland Uniform Criminal Citation (Form DC/CR45) is a charging document that may be used to charge adult violators (18 years of age or older) with certain misdemeanors in lieu of making an on-view arrest and filing a Statement of Charges.

II. Policy

It is the policy of the Office of the Sheriff that deputies may issue a criminal citation in lieu of making an on-view arrest for certain specified crimes. All Uniform Criminal Citations will be issued in accordance with Maryland Law. The officer may make an arrest and conduct a search incident to arrest, but the defendant will not be transported for processing unless additional charges are warranted, based on the results of the search incident to arrest or if a disqualifying reason exists. The defendant will be released upon his/her signature on the citation.

In the event that a Deputy makes an arrest for a qualifying offense but decides to transport the defendant to the Office of the Sheriff to be charged, the Deputy must photograph and fingerprint each individual prior to releasing them on a criminal citation.

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;
 3. Theft under \$100
 4. Theft under \$1500. *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. If a defendant meets the criteria specified in Section V, the defendant shall be charged on a Uniform Criminal Citation and released upon their signature on the citation in lieu of continued custody and an initial appearance before a district court Commissioner.
- B. A Deputy shall not unlawfully detain any person based upon race, color, ethnicity, national origin, gender, age, sexual orientation, disability or genetic information.
- C. 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.