

# Criminal Citations

**Index Code:** 2005

**Effective Date:** 10/27/20

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## 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.

## **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 reasonably 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 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 (Court-approved PDF version of the DC/CR 45), the tracking number will not be automatically captured. The officer will use the tracking number from a pre-printed DC/CR 45 and type that number in the PDF version. The pre-printed/pre-numbered DC/CR 45 from the citation book will have a diagonal line drawn across it and will be stapled to the Court copy of the PDF version. This practice is to ensure that tracking numbers are not duplicated.

### **B. 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).

### **C. ICIS Report**

In addition to the Uniform Criminal Citation, the deputy shall complete an ICIS report, including the arrest module, detailing the circumstances of the incident. **Although not a state law requirement, deputies shall photograph the defendant, using their agency issued camera, and uploaded the image into the ICIS arrest module when feasible. The photograph should be from the frontal view, encompassing the entire face of the defendant for identification purposes.**

## **VII. Completing the Uniform Criminal Citation**

### **A. Defendant's Information**

The defendant's full name, current address (including county), date of birth, personal identifiers to include gender and race/or ethnicity. Phone numbers are also to be placed in this section. Deputies must list race/or ethnicity as the following:

- a) Asian;
- b) Black;
- c) **Hispanic;**
- d) White;
- e) Other

## **B. Related or Multiple Citations**

All citation numbers (Traffic or Civil) that are issued to a defendant must be placed here to avoid a future double jeopardy argument. All citations issued to the Defendant must be related.

If there is more than one defendant involved in one incident, the charging deputy has the option to have all of the defendants stand trial separately or together. If the deputy wants the defendants to stand trial together, the deputy must place the numbers of the related citations in the "Related Citations" section of each defendant's citation.

## **C. Charges**

The date, time, location of the infraction and a brief "Statement of Facts" is to be entered in this section. Because this is a criminal charging document that is similar to a Statement of Charges, a Statement of Facts is used in lieu of the wording of the specific charge being placed against the defendant.

## **D. Document/Article Section**

The Article Section and CJIS Code (if applicable) of a particular statute/code are placed in this section.

## **E. Penalty Section**

The maximum penalty for the violation being charged is entered in this section.

## **F. Trial Date**

The District Court will provide a trial date for the charges. Deputies are not permitted to set their own trial dates. Deputies must check the box to the left of "WHEN NOTIFIED BY THE COURT".

## **G. Defendant's Signature**

This charging document requires the defendant to sign the citation, acknowledging that he/she agrees to appear for trial when notified. If a defendant refuses to sign the citation on a violation that does not carry a penalty of imprisonment, the officer must arrest the defendant and charge him/her on a Statement of Charges. If after an arrest on charges carrying a penalty of incarceration, a defendant refuses to sign the citation, the officer will charge him/her on a Statement of Charges.

## **H. Victims and Witnesses**

The names and addresses of victims and witnesses shall be listed on the court copy of the criminal citation and in the Deputies ISIS report. Deputies may also utilize the District Court Form, "Request for Witness Summons" form (DC/CR 92) to have a witness appear in court.

## **VIII. Form and Report Distribution**

Copies of the Uniform Criminal Citation shall be given to the defendant upon release, copies forwarded to the State's Attorney's Office, and the court copy issued to the District Court. The State's Attorney's Office will also be given a copy of the incident report along with the copy of the citation.

## **IX. Use of Fillable Uniform Criminal Citation DC-CR-045 PDF (District Court Instructions)**

- A. The fillable DC-CR-045 is setup in the same page order as the paper citation in officer's books and is to be distributed as usual after printing on letter size paper in landscape orientation:
  1. Court Copy
  2. State's Attorney Copy
  3. Defendant's Copy
  4. Law Enforcement Copy
- B. Each new citation requires entry of a tracking number in the top right field. Officers must obtain a tracking number from a blank (unused and unissued) printed Criminal Citation DC-CR-045 (within a citation book). All four (4) parts of the unused printed DC-CR-045, from which the tracking number was used, must be attached to the Court Copy and sent to the Court.
- C. Instead of the front and back format of a printed citation, the computerized version has a side-by-side format. The left side of each page is the front of the citation.

- D. Deputies will ensure that all fields of the citation are filled out correctly. Deputies will only need to fill out one citation as all other copies will auto-populate.
- E. Deputies shall remove the paper citations from the DC-CR-45 Criminal Citation book and immediately attach to the Court copy of the printed computer citation as to not reuse a tracking number
- F. Only pages 1-3 need to be printed
  - 1. Page 1 needs to be signed by the Defendant and paper copies attached and sent to the Court
  - 2. Page 2 may be retained for your records
  - 3. Page 3 needs to be signed by Deputy and issued to Defendant

***Special Note: Unlike E-tix citations, you will have a print preview page in order to adjust how many copies are printed.***

- X. CALEA References: None
- XI. Proponent Unit: Field Operations
- XII. Cancellation: Written Directive dated 12/20/18

  
Sheriff Gary Hofmann