

2.416 CRIMINAL / CIVIL / JUVENILE CITATIONS

- A. Officers are authorized to issue citations to violators of certain criminal and civil laws.
- B. There are no collaterals or fines that may be prepaid. Defendants will be notified of trial dates by the courts or other appropriate authorities.

2.416.05 Criminal Citations

- A. Uniform Criminal Citations, DC #45, must be utilized to charge adults, with criminal violations for the following:
 - 1. Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;
 - 2. Any other misdemeanor or local ordinance violation not involving serious injury or immediate health risk for which the maximum penalty of imprisonment is 90 days or less;
 - 3. Failure to comply with a peace order under § 3-1508 of the Courts Article;
 - 4. Failure to comply with a protective order under § 4-509 of the Family Law Article;
 - 5. Violation of a condition of pretrial or posttrial release under § 5-213.1 of this article;
 - 6. 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;
 - 7. Violation of an out-of-state domestic violence order under § 4-508.1 of the Family Law Article;
 - 8. Abuse or neglect of an animal under § 10-604 of the Criminal Law Article; or
 - 9. Possession of marijuana under 5-601 of the Criminal Law Article.
- B. In addition to any other law allowing a crime to be charged by citation, a police officer may charge by citation for:
 - 1. 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;
 - 2. 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]
 - 3. Misdemeanor theft under § 7-104(g)(2) of the Criminal Law Article;
 - 4. Possession of a Controlled Dangerous Substance other than Marijuana under 5-601 of the Criminal Law Article.
- B. There are two ways of charging a defendant with a criminal citation. The officer can issue a citation in lieu of making the arrest or make the arrest and subsequently issue a citation in lieu of continued custody.
- C. Criminal citations will not be used:
 - 1. For violations which carry punishments in excess of 90 days imprisonment unless otherwise specified by statute;
 - 2. For civil and/or juvenile citations;
 - 3. For trespass violations charged under the Education Article; and
 - 4. In cases where the defendant commits two citable offenses at the same time, where at least one charge is punishable by incarceration, the defendant should be arrested, charged using a Statement of Charges, and presented to the Commissioner. (The Statement of Charges should include 4-101(c)(2)(iv) as a reason for not issuing a citation).
- D. Criminal Procedure Article 4-101(c)(2) states that a police officer Charge a defendant by criminal citation **only if**:
 - 1. The officer is satisfied with the defendant's evidence of identity (Violators must be positively identified. Written proof is not required if verbal proof is reasonable);
 - 2. The officer reasonably believes that the defendant will com-

- ply 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 (an alleged misdemeanor involving serious injury or immediate health risk or an alleged felony) arising out of the same incident; or
- 5. Based on an outstanding arrest warrant; and
- 6. The defendant complies with all lawful orders by the officer.
- 7. If any one of the above conditions are not met, the defendant should be arrested, processed, charged on a statement of charges and presented to the District Court Commissioner. At the end of the statement of charges, the reason why the defendant was not charged by citation must be included.
- E. Defendants who will be charged with any of the following offenses should be arrested and processed (identity verification) before being released upon issuance of a citation (pursuant to 2.416.05 G):
 - 1. Possession of marijuana over 10 grams, CR 5-601(c)(2)(i);
 - 2. Possession of marijuana under 10 grams, CR 5-601(c)(2)(ii);
 - 3. Theft under \$100.00, CR 7-104(g)(3);
 - 4. Trespass on private property, CR 6-402(a);
 - 5. Trespass on posted property, CR 6-403(b);
 - 6. Disorderly conduct/Disturbing the peace, CR 10-201(c)(2);
 - 7. Failure to obey a lawful order, CR 10-201(c)(3);
 - 8. Malicious destruction of property under \$500, CR 6-301(c);
 - 9. Harassment, CR 3-803(a).
- F. Criminal citations will be completed by officers consistent with training and directions from the courts.
 - 1. Copies #1 and #2 will be submitted to the Records Unit for submission to the court.
 - 2. Copy #3 will be given to defendants.
 - 3. Copy #4 will be submitted to the Records Unit for retention in agency files.
- G. Defendants will be photographed and fingerprinted (via Live-scan) for identity verification. The defendant must be taken to a facility for Live-scan fingerprinting (i.e. DOC, UMDPS (if available), etc.)

2.416.10 Civil / Municipal Infractions

- A. Uniform Civil / Municipal Infraction Citations, DC #28, will be used to charge adults and juveniles with civil violations. Agency officers will utilize the DC #28 only for civil violations as the university does not have, and the agency does not enforce, municipal violations.
 - 1. Violators must be positively identified. Written proof is not required if verbal proof is reasonable.
 - 2. Persons charged with civil infractions may refuse to sign citations. In these instances, issuing officers will enter "Refused to Sign" on signature lines.
- B. Civil infractions may be issued only for specifically designated, civil offenses.
- C. Civil citations will be completed by officers consistent with training and directions from the courts.
 - 1. Copies #1 and #2 will be submitted to the Records Unit for submission to the court.
 - 2. Copy #3 will be given to defendants.
 - 3. Copy #4 will be submitted to the Records Unit for retention by the agency.
 - 4. Copy #5 should be retained by issuing officers.
- D. See also **2.416.60 Civil Citation Violations**.

2.416.15 Juvenile Citations

- A. Uniform Criminal / Civil Citations, DC #16 may be issued only

for criminal charges involving juveniles and for specifically designated, juvenile offenses.

1. Violators must live or work in the state of Maryland.
 - a. Out-of-state university students residing in Maryland must use their local or university address.
 - b. If incidents bringing about charges are near the end of semesters, or during semester breaks, it is the discretion of the issuing officer to determine the probability of violators appearing for trial.
 2. Violators must be positively identified. Written proof is not required if verbal proof is reasonable.
 3. Violators refusing to sign citations will be arrested or taken into custody as applicable.
- B. Juvenile citations may be issued only for criminal charges involving juveniles and for specifically designated, juvenile offenses.
- C. Juvenile citations will be completed by officers consistent with training and directions from the courts.
1. Copy #1 will be submitted to the Records Unit for submission to the local DJJ office
 2. Copy #2 will be submitted to the Records Unit for submission to local DJJ office or MVA as applicable.
 3. Copy #3 will be given to a parent or guardian of juvenile defendant.
 4. Copy #4 will be given to the juvenile defendants.
 5. Copy #5 will be submitted to the Records Unit for retention by the agency.
- D. Officers may elect not to issue juvenile citations in lieu of utilizing copies of agency reports as charging documents consistent with 2.683.08 Juvenile Charging Documents.

2.416.20 Juvenile Citations for Alcohol & Tobacco Offenses

- A. Uniform Juvenile Citations for Alcohol and Tobacco Offenses, DC 31 may be issued only for civil tobacco and alcohol offenses committed by juveniles.
1. Violators must be positively identified. Written proof is not required if verbal proof is reasonable.
 2. Juveniles charged with civil infractions may refuse to sign citations. In these instances, issuing officers will enter "Refused to Sign" on signature lines.
- C. Juvenile alcohol and tobacco citations will be completed by officers

consistent with training and directions from DJJ.

1. Copy #1 will be submitted to the Records Unit for submission to the local DJJ office
 2. Copy #2 will be submitted to the Records Unit for submission to local DJJ office or MVA as applicable.
 3. Copy #3 will be given to a parent or guardian of juvenile defendant.
 4. Copy #4 will be given to the juvenile defendants.
 5. Copy #5 will be submitted to the Records Unit for retention by the agency.
- D. Officers may elect not to issue juvenile citations in lieu of utilizing copies of agency reports as charging documents consistent with 2.683.08 Juvenile Charging Documents.

2.416.22 Citation Accountability

- A. Citations that have not been signed by defendants may be voided administratively. In these cases, officers will submit all copies to the Records Unit, with officer information filled out, citations marked "VOID," and accompanied by short notes describing reasons for citations to be voided and initials or signature of a supervisory or administrative ranked officer in approval.
- B. Citations signed by violators must be disposed of in court, through dismissal by judges, or declarations of *nolle prosequi* by ASAs.
- C. Each citation book may be utilized by multiple officers.

2.416.25 Officers Responsibilities

- A. Issuing officers must complete and submit citations and reports prior to the end of their tours of duty wherein the citations were issued. Failure to have citations submitted to the courts within time constraints may result in the charges being dropped.
- B. When issuing citations:
 1. Physical, custodial arrests are precluded;
 2. Fingerprints will not be taken; and
 3. Defendant's photographs will not be taken without defendant's voluntary consent.
- C. Consistent with **2.432 Student Conduct, etc.**, university students who are issued citations will be referred to OSC by charging officers if charges are within the jurisdiction of OSC.

2.416.60 Civil Citation Violations

When changes in listed violations occur, the laws are controlling. This is not an exhaustive listing of all applicable violations.

<u>VIOLATION</u>	<u>SECTION</u>	<u>CJIS Code</u>	<u>PENALTY</u>
Misrepresenting age to obtain liquor Possession of Alcoholic Beverages Under 21	CR 10-113 CR 10-114		List no penalty "
Possess Fake ID w/ Intent to Possess Alcohol Under 21	CR 10-115		"
Obtaining Alco. Bev. for Person Under 21(juveniles only)	CR 10-116		"
Furnishing Alco. Bev. to Person Under 21(juveniles only)	CR 10-117		"
Keg Registrations Possess unregistered keg Remove, alter, obliterate registration form, or allow same Permitting under 21 year old to consume from keg	CR 10-118		"
Tobacco/Products to Minors Give away, sell, deliver, etc. Offer to give away, etc.	CR 10-101		"
Possess/Use False ID to Obtain Tobacco Products or Rolling Papers	CR 10-108		"
Urinating or defecating in public	Co. Code, Sec. 14-136.1		Not more than \$50
Off-Road Motorcycles	Co. Code, Sec. 26-172		\$50