



ADULT UNIFORM CRIMINAL CITATION

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I. PURPOSE

The State of Maryland Uniform Criminal Citation (Form DC/CR 45) is designed to provide a single format on which police officers may charge an adult offender with violations of certain petty misdemeanor criminal codes and statutes. This applies to both State and County codes. This citation may only be issued to adult violators (18 years or older).

II. CRITERIA AND REQUIREMENTS FOR ISSUANCE OF AN ADULT UNIFORM CRIMINAL CITATION

A. Except as outlined in sub-section C and sub-section D below, CP 4-101 allows officer discretion to charge on a citation for the following offenses:

1. Sale of an alcoholic beverage to an underage 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.
3. Misdemeanor theft under 7-104 (g)(2) of the Criminal Law Article (under \$1500)
4. Possession of CDS other than Cannabis under 5-601 of the Criminal Law Article
5. Possession with Intent to Distribute Cannabis under 5-602 of the Criminal Law Article.
6. Unlawfully cultivate/grow (*over 2 plants*)/manufacture cannabis/cannabis product under 5-603 of the Criminal Law Article.

B. Except as outlined in sub-section C and sub-section D below, CP 4-101 REQUIRES charging on a criminal citation for the following offenses:

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 an immediate health risk for which the maximum penalty is 90 days or less; except those listed in Section C below
3. Possession of cannabis under 5-601 of the Criminal Law Article (misdemeanor possession over 2.5 ounces).

If a defendant is being charged with an offense under this subsection and a criminal citation is not the charging document used, then officers' statements of probable cause must detail the circumstances of one or more of the exceptions in sub-section C below.

C. Under the following circumstances, a criminal citation may NOT be issued, regardless of any other requirement:

1. The charging officer is NOT satisfied with the defendant's evidence of identity;
2. The charging officer reasonably believes that the defendant will NOT comply with the citation;
3. The charging officer reasonably believes that the failure to charge on a statement of charges will pose a threat to public safety;
4. The defendant is subject to arrest for an alleged misdemeanor involving serious injury or immediate health risk;
5. The defendant is subject to arrest alleged felony arising out of the same incident;
6. The defendant is subject to an arrest based on an outstanding arrest warrant; or
7. The defendant does not comply with all lawful orders by the officer.

D. Additionally, the following offenses may NOT be charged on a criminal citation under any circumstance:

1. Failure to comply with a peace order under 3-1508 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 under 5-233.1 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 4-508.1 of the Family Law Article;
6. Abuse or neglect of an animal under 10-604 of the Criminal Law Article.

III. COMPLETING THE UNIFORM CRIMINAL CITATION

Officers will use the Uniform Criminal Citation DC/CR 45 form to charge a defendant with a criminal offense by citation using either the pre-printed/pre-numbered DC/CR 45 from the citation book provided by the District Court, or the Court-approved PDF version of the DC/CR 45 where a tracking number is not automatically captured. The officer will use the tracking number from a pre-printed DC/CR 45 and type that number into 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.

The following guidelines are to be utilized when completing and issuing the Uniform Criminal Citation. If the citation is illegible, completed improperly, or incomplete, the Courts will return the citation to the officer to correct. Because the Uniform Criminal Citation is a Statement of Charges, any changes made in the document will necessitate the re-issuance of the citation to the defendant.

A. Defendant's Information

The defendant's full name, current address (including county if a Maryland resident), date of birth, personal identifiers (including gender and race/or ethnicity), and phone numbers are to be placed in this section. Officers must list race/or ethnicity as the following:

1. Asian;
2. Black;
3. Hispanic;
4. White;
5. Other

B. Related Citations

All citation numbers (Traffic or Civil) that are issued to a defendant must be placed here. (See Section V of this Index Code for additional information.)

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 Fact is used in lieu of the wording of the specific charge being placed against the defendant.

1. Type of Violation Section

The charging officer must check the appropriate block in front of the statutes/codes being enforced.

2. Document/Article Section

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

3. Penalty Section

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

D. Court Location & Trial Date

1. Court Location

The issuing officer must place the address of the District Court where he/she regularly attends.

For officers who are scheduled to attend District Court in Glen Burnie, use:

7500 Ritchie Highway, Glen Burnie, 21061

For officers who are scheduled to attend District Court in Annapolis, use:

251 Rowe Boulevard, Annapolis, 21401

2. Trial Date

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

E. 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.

F. Officer’s Signature

The charging officer must sign their name to the citation in this section. The officer must place the date the citation is issued next to his/her name. The officer must then provide the Agency Code (AC for Anne Arundel County), the Sub-Agency Code (which is the code for the charging officer’s assignment) and his/her I.D. number (must be four digits). The Sub-Agency Assignment Codes are as follows:

Headquarters/SOS /Community Relations/SRO	0001
Northern District	0002
Eastern District	0003
Southern District	0004
Western District	0005
Narcotics and Special Investigations Section	0006
CID	0007

G. Witness Summons

The witness summons section of the Uniform Criminal Citation located on the back of the Court Copy will not be used. The officer will use the standard District Court “Request for Witness Summons” form (DC/CR 92) to summons all needed witnesses. The witnesses’ name, address, city, state, zip code, and day and night phone

numbers must be provided. It is very important that the witnesses' day and night phone numbers be provided to the Courts so that they can call the witnesses and notify them of postponements or guilty pleas.

When summoning a witness Anne Arundel County police officer, you need not put the officer's name or address. The issuing officer need only write "WPO" in the space provided for the witness' name. The officer then writes the Agency Code (AC for Anne Arundel County), Sub-Agency Code (0001, 0002, etc.), and the officer's I.D. number in the spaces provided.

If the witness officer is from another department or jurisdiction, the issuing officer must complete the entire witness section just as they would for a civilian witness.

IV. MULTIPLE CITATIONS

If an Adult Civil Citation and/or traffic charges are issued along with a Uniform Criminal Citation, the Civil Citation number and/or traffic citation number must be placed on the Criminal Citation, and the Criminal Citation number placed on the Civil Citation and/or traffic citation.

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

V. DISTRIBUTION OF COPIES

All copies of the Uniform Criminal Citation, except for the Defendant's Copy, are to be sent to Central Records via inter-office mail before the end of the issuing officer's tour of duty. If the issuing officer needs a copy of the citation for his/her own records, a copy of the citation will have to be made.

VI. WRITTEN REPORT REQUIREMENTS

A written Offense/Incident report must be submitted whenever a Uniform Criminal Citation is issued. The citation will also be scanned into the records management system.

On the rear of the "State's Attorney's Copy" of the citation, there is a section to include the events surrounding the issuance of the citation. Because of the required police report that must be submitted with the citation, there is no need to complete this section of the citation.

VII. INCIDENT AND REPORT NUMBERS

Report numbers must be placed on each citation in the block labeled "Arrest Number". The report number-must be written on the citation prior to it being issued to the defendant. The citation numbers must also be included in the incident report.

VIII. VOIDING A CITATION

If an error is made in the completion of a Uniform Criminal Citation, it must be shredded or placed in a locked departmental destruction container.

IX. PROPONENT UNIT: Bureau of Patrol.

X. CANCELLATION: This directive cancels Index Code 2190, dated *02-03-23*.