

FREDERICK POLICE DEPARTMENT GENERAL ORDER

Section 7: Force, Detention, and Arrest
Topic: CRIMINAL CITATIONS
Approved: 09/06/23
Review: Annually in November by Commander, Operational Services Bureau
Supersedes: G.O. 761 dated 12/28/21

Order Number: 761
Issued by: Chief of Police

.01 PURPOSE:

To set guidelines for completion and service of Maryland Uniform Criminal Citations (DC/CR 45)

.02 CROSS-REF:

G.O. [155](#), "Required Incident Paperwork"
G.O. [702](#), "Bias Based Profiling/Discriminatory Practices"
G.O. [705](#), "Use of Force"
G.O. [742](#), "Warrantless Search and Seizure"
G.O. [758](#), "Officer Discretion"
G.O. [775](#), "Searching of Prisoners"

.03 DEFINITIONS:

CUSTODIAL ARREST- For the purposes of this General Order, an arrest based upon probable cause where an officer handcuffs and searches an arrestee incident to arrest.

MARYLAND UNIFORM CRIMINAL CITATION (DC/CR 45)- hereafter "Criminal Citation", a charging document contained in a citation book format to be used by police officers to charge adult offenders with certain misdemeanor crimes in lieu of continued custody as prescribed in this General Order.

NON-CUSTODIAL ARREST- For the purposes of this General Order, an arrest based upon probable cause, but an officer neither handcuffs nor searches the arrestee incident to arrest.

.04 DISCUSSION:

The Maryland Annotated Code, Criminal Procedure Article, § 4-101 mandates charging by Criminal Citation for certain criminal offenses when a defendant meets specific criteria. If these specific criteria are met, the law mandates an officer who has grounds to make a warrantless arrest either issue a Criminal Citation in lieu of making a custodial arrest, or make the custodial arrest and issue a Criminal Citation in lieu of continued custody. Under such circumstances, the defendant can be released from the arrest location or a safe location, and does not need to await an appearance before a District Court Commissioner.

.05 POLICY:

1. It is the policy of the Frederick Police Department that all arrests and service of Criminal Citations will be made in compliance with all applicable laws, court decisions, and General Orders of the Department. Officers will not make a custodial arrest or issue a Criminal Citation or otherwise treat people differently because of their race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or other identifiable groups, or other potentially improper criteria.
2. An officer who has grounds to make an arrest for any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment and who determines that the defendant meets the criteria specified in **.30 CRITERIA FOR ISSUANCE OF CRIMINAL CITATIONS**, shall issue a Criminal Citation in lieu of a custodial arrest, and will take a digital photograph of the defendant. The defendant shall then be released upon his signature on the Criminal Citation.
3. An officer who has grounds to make an arrest for any other misdemeanor or local ordinance violation not involving serious injury or an immediate health risk for which the maximum penalty of

imprisonment is 90 days or less, shall make a custodial arrest, conduct a search incident to arrest, and take a digital photograph of the defendant. If the officer determines the defendant meets the criteria specified in **.30 CRITERIA FOR ISSUANCE OF CRIMINAL CITATIONS**, the defendant shall be charged by Criminal Citation and shall be released upon his signature on the Criminal Citation in lieu of continued custody. Officers will not advise the defendant he will be charged and released with a Criminal Citation until after the officer is certain the defendant meets the criteria enumerated in this order.

.10 QUALIFYING OFFENSES:

The following offenses mandate charge by Criminal Citation, if all of the criteria specified in **.30 CRITERIA FOR ISSUANCE OF CRIMINAL CITATIONS** are met:

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 of imprisonment is 90 days or less;
3. Possession of cannabis under § 5-601 of the Criminal Law Article (possession of more than 2.5 ounces);
4. 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;
5. Malicious destruction of property under § 6-301 of the Criminal Law Article, if the amount of damage to the property is less than \$500;
6. Misdemeanor theft under § 7-104(g)(2) of the Criminal Law Article;
7. Possession of a controlled dangerous substance other than cannabis under § 5-601 of the Criminal Law Article;
8. Possession with intent to distribute cannabis under § 5-602(b)(1) of the Criminal Law Article; or
9. Growing or manufacturing cannabis or a cannabis product under § 5-603(b) of the Criminal Law Article.

.20 EXCEPTIONS:

The following offenses will not be charged by Criminal Citation:

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 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 § 4–508.1 of the Family Law Article; and,
6. Abuse or neglect of an animal under § 10–604 of the Criminal Law Article.

.30 CRITERIA FOR ISSUANCE OF CRIMINAL CITATIONS:

1. Although the law mandates the issuance of a Criminal Citation for qualifying offenses, the defendant must meet certain criteria. If the defendant cannot meet the criteria listed below, the officer will charge the defendant on a Statement of Charges.
2. A law enforcement officer is required to charge a defendant by Criminal 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 Criminal 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:
 - 1) for an alleged misdemeanor involving serious injury or immediate health risk or an alleged felony arising out of the same incident; or
 - 2) Based on an outstanding arrest warrant; and,
 - E. The defendant complies with all lawful orders by the officer.
3. If an officer charges the defendant on a Statement of Charges DC/CR 2 for an offense that normally requires charging via a Criminal Citation, the officer will articulate in the Statement of Probable Cause DC/CR 4 which circumstances listed in subsection "2 A-E" (above) existed that caused the officer to charge via Statement of Charges versus Criminal Citation.
4. Appendix A to this order is a guide that can be used in conjunction with personal knowledge, report management systems, and other available databases for the purpose of establishing identity.

.40 ISSUANCE OF CRIMINAL CITATIONS AND REPORT DOCUMENTATION:

1. The charging officer will need to write the following information on each Criminal Citation, which can be found in the Commissioner Manual:
 - A. Exact charging wording;
 - B. Document / article;
 - C. Section; and,
 - D. CJIS Code.
2. Victim and witness information will be written on the back of the "District Court" copy.
3. The charging officer will provide the defendant with the completed "Defendant's Copy" of each Criminal Citation issued prior to releasing the defendant.
4. The charging officer will type the complete probable cause that led to the charges made via Criminal Citation on an Incident Report.

5. The charging officer will record each related Criminal Citation number in the Incident Report.
6. Criminal Citations will be scanned into ILeads by the Records Section to be included in the case file for criminal discovery.

.50 STATISTICAL DATA COLLECTION:

1. Law enforcement agencies are required to collect the following data on all Criminal Citations issued:
 - A. The date, location, and time of the issuance of the Criminal Citation;
 - B. The offense charged;
 - C. The gender of the offender;
 - D. The date of birth of the offender;
 - E. The state and, if available, the county of residence of the offender; and,
 - F. The race or ethnicity of the offender.
2. Delta+, the application that runs ETIX, will include a race-based reporting module for Criminal Citations. Law enforcement agencies will enter all citation data electronically via Delta+. This data gets stored by MSP who will submit citation data for all law enforcement agencies in the state to MSAC by March 1 each subsequent year.

Appendix A
Officers' guide to determine identity and verifiable address
Used in conjunction with other investigative resources

Document	Required Support Documentation
Driver's License or ID card issued by a State	Stand alone
Driver's License or ID card issued by an outlying possession of the United States provided it contains a photograph or information such as name, DOB, gender, height, and address	Stand alone with photo ID cards issued without photo require additional Proof of identity and Proof of Address
United States Passport	Proof of Address
ID card issued by federal, state or local government agencies provided it contains a photograph or information such as name, DOB, gender, height, and address	Stand alone with photo ID cards issued without photo require additional Proof of identity and Proof of Address
U.S. Military ID Card	Proof of Address
U.S. Military dependent ID card	Proof of Address
School ID card with photograph	Proof of Address
Permanent Resident Card	Proof of Address
Foreign passport	Proof of Address
Foreign Driver's License provided it contains a photograph or information such as name, DOB, gender, height, and address	Proof of Address
Consulate ID card provided it contains a photograph or information such as name, DOB, gender, height, and address	Proof of Address

Proof of Address:

Officers may use the following list of items to show proof of verifiable address. This list is not all-inclusive.

- Residential service contract (refers to services performed at the address of residence; for example, cable or satellite television, or other service contract);
- Checking or savings account statement;
- Installment contract from a bank or other financial institution;
- Life insurance card or policy;
- Major credit card or Department/Retail store credit card bills with billing address
- Canceled check with imprinted name and address;
- Residential rental contract (apartment lease or other rental of real property)(current formal contract or agreement between landlord and tenant which includes all signatures);
- Property tax bill or receipt;
- Mortgage account or proof of home ownership (Deed, Title, Bill of Sale or Statement from Maryland Assessment and Taxation);
- First class or priority mail from a federal, state or local government agency to include the contents and envelope;
- Copy of federal or MD income tax return filing not more than 18 months old, with proof of filing;
- Sales tax or business license.