

2.410 CRIMINAL, CIVIL, & JUVENILE CITATION (1.2.5, 1.2.6)

- A. Officers are authorized to issue citations to violators of certain criminal and civil laws. Refer to the most recent Special Order on criminal, civil, and juvenile citations for instructions on how to complete the citations and what charges can be placed using those documents.
- B. Consistent with **2.418 Impartial Policing**, all enforcement actions, such as investigative detentions, “Whren” stops consistent with Whren, *et al v. United States*, 517 US 806 (1996), traffic stops, arrests, searches and seizures, etc., will be based on the standard of reasonable suspicion or probable cause as required by statutes, case law, and the 4th Amendment of the US Constitution.
- C. All criminal, civil, and juvenile citation offenses are must appear offenses. Defendants cannot pre-pay fines. They will be notified of trial dates by the courts.
- D. Issuing officers must complete and submit citations and reports prior to the end of their tours of duty wherein the citations were issued. Only one report is required for each case wherein citations are issued, regardless of the number and type of citations issued.
- E. University students who are issued citations will be referred to the Office of Student Conduct and Civility Education (OSCCE) by the agency if charges are within the jurisdiction of OSCCE. OSCCE referrals will be made consistent with **2.419 Judicial Programs**.
- F. Officers who witness violations must sign citations themselves unless enforcement actions involve large groups or when spotters are used.
- G. Officers will ensure the wanted status of all suspects is checked.
- H. Any witnesses will be summoned by listing them on the back of the court copy of each appropriate citation.
- I. Defendants charged only by citation do not appear before Commissioners unless they are charged with civil and criminal violations arising from the same incident and the criminal violations require presenting defendants before Commissioners. Officers will tell Commissioners of any pending civil charges for court scheduling purposes.
- J. Defendants **will not** be issued **District Court Eight Notice to Appear** for criminal, civil, or juvenile citations.

2.410.02 Criminal Citations

- A. Consistent with **Criminal Procedure (CP) § 4-101**, Uniform Criminal Citations, DC/CR #45, **WILL** be used to charge adults with criminal violations for:
 - 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, except:
 - a. Failure to comply with a peace order under **Courts & Judicial Proceedings (CJ) § 3-1508**;
 - b. Failure to comply with a protective order under **Family Law (FL) § 4-509**;
 - c. Violation of a condition of pretrial or posttrial release while charged with a sexual crime against a minor under **CP § 5-213.1**; or
 - 3. **Possession of marijuana under Criminal Law (CL) § 5-601**. See also **2.357 Drug Enforcement**.
- B. However, officers will issue citations only if:
 - 1. They are satisfied with evidence of defendants’ identities;
 - 2. They reasonably believe that defendants will comply with citations;
 - 3. They reasonably believe that failure to charge on statements of charges will not pose threats to public safety;
 - 4. Defendants are not subject to arrest for other criminal charges arising out of the same incident; and
 - 5. Defendants comply with all lawful orders given by officers.

- C. Before charging defendants by citation under **CP § 4-101**, officers may:
1. Arrest defendants;
 2. Perform searches incident to arrest;
 3. Fingerprint and photograph defendants;
 4. Check for active warrants against defendants; and
 5. Perform routine procedures to determine defendants' identities.
- D. The Special Order on criminal, civil, and juvenile citations specifies those criminal offenses the agency mandates that suspects be arrested and processed consistent with **.02.C** before they are charged by criminal citation.
- E. Officers will place all criminal charges on a statement of charges when the violations contain a mix of those that can and cannot be charged by criminal citation.
- F. Criminal citations **will not** be used:
1. When the conditions in **.02.A** and **.02.B** are not met;
 2. For violations of the Transportation or Natural Resources Articles;
 3. For parking violations;
 4. When defendants refuse to sign citations;
 5. For civil violations; or
 6. For juveniles.
- G. Forms and reports needed under the provisions of **CP § 4-101** when suspects are arrested and processed are:
1. **Uniform Criminal Citation DC / CR 45**;
 2. **Probable Cause Continuation DC / CR 4**. Officers:
 - a. Should not try to write their entire probable cause statement on the first page of the DC / CR 45;
 - b. Will use the DC / CR 4 continuation to write their probable cause statements outlining the facts and circumstances substantiating the charges; and
 - c. Will include the citation number in the case number block on the DC / CR 4 continuation;
 3. **Statement of Charges DC / CR 2** if defendants do not meet the criteria in **.02.A** and **.02.B**. Officers will note in their statements of charges why defendants were brought before commissioners rather than being released on citations; and
 4. Police reports that include full narratives.
- H. Defendants will be given their copies of criminal citations and a copy of the probable cause statement **Probable Cause Continuation DC / CR 4**.

2.410.04 Civil Citations

- A. Uniform Civil Citations, DC #28, will be used to charge adults with civil violations.
1. Violators must be positively identified. Written proof is not required if verbal proof is reasonable and verifiable.
 2. Officers may issue civil citations if they witness offenses or are given sufficient probable cause from witnesses.
 3. Persons charged with civil infractions may refuse to sign citations. In these instances, issuing officers will enter "Refused to Sign" on signature lines.
 4. A person being issued a civil citation who fails or refuses to furnish proof of identification and age may be arrested and charged criminally under **CR § 10-120 Failure to Provide Proof of Age**.
- B. Civil infractions may be issued only for specifically designated, civil offenses.
- C. Civil citations will not be used for violations of the Transportation Article, Natural Resources Article, parking violations, or criminal charges.

2.410.06 Juvenile Civil Citations for Alcohol & Tobacco Offenses

(44.2.1.b)

- A. Uniform Juvenile Civil 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 and verifiable.
 - 2. Officers may issue citations for civil alcohol and tobacco offenses if they witness offenses or are given sufficient probable cause from witnesses.
 - 3. Juveniles charged with civil alcohol and tobacco infractions may refuse to sign citations. In these instances, issuing officers will enter "Refused to Sign" on signature lines.
 - 4. Juveniles will not be arrested for civil alcohol or tobacco violations unless they refuse to give necessary identification or if they falsely identify themselves.
- B. Juvenile citations will not be used for:
 - 1. Criminal violations; or
 - 2. Violations of the Transportation Article or Natural Resources Article.
- C. Officers issuing juvenile citations will obtain from charged juveniles the names, addresses, and telephone numbers of their parents, guardians, or other adults responsible for their care.
 - 1. Adult contact information will be recorded in agency reports of the incidents.
 - 2. Officers issuing juvenile citations will make reasonable and prudent attempts at notifying the juveniles' responsible adults prior to the end of their tours of duty. Contact attempt and results information will be contained in reports of the incidents.
 - 3. Central Records personnel are responsible for mailing notification letters and copies of juvenile citations to juveniles' responsible adults on the first business day after citations are received into Central Records.

2.410.08 Review & Approval of Citations

- A. Charging officers will:
 - 1. Write reports using the agency's on-line report management system (RMS) any time they issue criminal, civil, or juvenile citations. One consolidated report will be written regardless of how many defendants are charged or citations issued in a single incident;
 - 2. Ensure that all citations and related documents are appropriately composed and prepared consistent with established procedures and acceptable standards;
 - 3. Consult with on-duty supervisors for assistance with citations and related reports to ensure the documents are appropriately composed and prepared;
 - 4. Submit completed citations and related reports to on-duty supervisors for review, correction as necessary to conform to established criteria, and approval prior to ending their tours of duty wherein the citations were issued; and
- B. Supervisors will:
 - 1. Respond to incident scenes and track the progress of citation issuance and report completion occurring during their tours of duty;
 - 2. Review, ensure corrections are made to conform to established criteria, and approve all completed citations and reports before officers go off duty from their tours of duty when citations were issued.
 - 3. Confirm their reviews and approvals by initialing the lower right corner of each document they review that do not already contain spaces for supervisory approval.
- C. Charging officers' supervisors will ensure that on-coming supervisors are briefed with all necessary information to facilitate citation related review and approval.
 - 1. Supervisors will notify an on-duty commander or the Duty Officer if unusual or complex incidents are being processed and request direction on whether to remain on duty to assist or pass on supervisory responsibility to on-coming supervisors.
 - 2. On-coming supervisors will:

- a. Ensure they are briefed on any on-going citation processing;
- b. Review, ensure corrections are made to conform to existing criteria, and approve any citation related documentation prepared by officers whose citation related activities extend into other shifts.

2.410.10 Citation Accountability

- A. Citations that have not been signed by defendants, such as those written in error, or with mistakes such as spelling or other similar errors will be promptly destroyed by officers who wrote the citations.
- B. Citations signed by violators must be disposed of by:
 1. Trial;
 2. *Nolle prosequi* or dismissal by a State's Attorney; or
 3. Other official action by a judge.
- C. Each citation book may be used by multiple officers.

2.410.12 Citation Issue & Availability

- A. The Logistics Officer will ensure the agency has an adequate supply of current citations available for supervisors to issue from the patrol supply cabinet.
- B. All patrol officers and supervisors will ensure they have at least one book of each citation type with them when on patrol.
- C. Officers not assigned to patrol may be issued citation books at their discretion.