



# Criminal Citation

Section: 2.416  
Effective Date: June 10, 2010  
Amended: February 6, 2018

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## **2.416 Criminal Citations**

### **2.416.02 Proper Issuance and Handling of Citations**

- A. University of Baltimore Police Officers (UPO) can issue criminal citations to *adults* in lieu of arrest for certain criminal violations, consistent with law.
- B. Since there is no collateral or fine to be prepaid, the person cited will be notified of trial dates by the court.
- C. Under no circumstances is a UPO to void a citation as a result of:
  - 1. an excuse by the defendant;
  - 2. a request by other members of the agency or university.
- D. If an error is discovered (i.e. wrong date or location, improper violation, etc.) the UPO is to:
  - 1. Write an administrative report and request the citation to be voided, explaining the error. Attach all four copies to the citation.
  - 2. Issue a new citation and put its number in the report.
  - 3. Write "VOID REQUESTED" on the citation, with the date and number of the new citation.

### **2.416.04 New Legislation**

- A. The 2012 Maryland General Assembly passed legislation (Senate Bill 422/Chapter 504) mandating the issuance of a criminal citation for certain criminal offenses if the defendant meets certain criteria. If these criteria are met, the law allows an officer who has grounds to make a warrantless arrest to:
  - 1. Issue a citation in lieu of making an arrest, or
  - 2. Make the arrest, process (i.e. fingerprint and photograph the defendant), then issue a citation in lieu of continued custody and appear before a court commissioner.

### **2.416.06 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; and
  - 3. Possession of marijuana under § 5-601 of the Criminal Law Article.
  - 4. At no time is a juvenile (person under the age of 18) to be issued a criminal citation.

**2.416.08 Exceptions**

A. The below listed offenses may 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;
6. Abuse or neglect of an animal under § 10–604 of the Criminal Law Article.

**2.416.10 Criteria For Issuance of Citation**

A. Although the law mandates the issuance of a citation for qualifying offenses, a defendant must meet certain criteria to be released without approval by a court commissioner.

B. If the defendant cannot meet the criteria listed below, the officer must charge the individual on a statement of charges and ensure the defendant's appearance before a court commissioner.

C. SB 422 requires a law enforcement officer to charge a defendant by 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.

**2.416.12 Policy**

A. An officer, who has grounds to make an arrest for an offense that does not carry a penalty of imprisonment, and who determines a defendant meets the criteria specified in **2.416.08**, shall issue a Uniform Criminal Citation in lieu of arrest and release the defendant on their signing the citation.

B. A officer who has grounds to make an arrest for possession of marijuana or **an offense for which the maximum penalty of imprisonment is 90 days or less shall make the arrest, conduct a search 'incident to the arrest,' and process the suspect (fingerprint and photograph).**

1. If an officer determines the defendant meets the criteria specified in **2.416.08**, the defendant shall be charged by Uniform Criminal Citation and released on signing the citation. (**Arrest, Cite & Release**).
2. If an officer believes a search of a suspect's person, garments or belongings will result in the recovery of evidence related to the possession of CDS or an offense for which the maximum penalty of imprisonment is 90 days or less shall make the arrest.
3. Officers are to understand that if a physical arrest is not being made, NO search of the subject can be conducted. Terry V. Ohio "pat down/frisk" can be conducted for officer safety reasons.

4. Officers are to confer with the ASA assigned to CBIF when considering the Arrest, Cite & Release option.
- C. Under no circumstances is an officer to unlawfully detain any person based upon race, color, ethnicity, national origin, gender, age, sexual orientation, disability or genetic information.
- D. Additionally, officers 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.
- E. In any decision to arrest, officer safety shall be paramount.

#### **2.416.14 Required Forms and Reports**

- A. Officers are to use the State of Maryland's Uniform Criminal Citation form to charge a defendant by citation.
- B. Complete all requested information except court date/time, and check box "when notified by court". Once the Clerk of the Court receives citation (see 2.416.22 "C"), the Clerk will contact subject in reference to Early Disposition Court. The probable cause statement shall be written on the reverse side of the "green" copy of the citation.
- C. A Statement of Charges is to be used if the defendant does not comply with **2.416.08** (Criteria for Issuance of Citation).
  1. If the defendant is charged on a Statement of Charges for an offense that qualifies for charge by 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 2.416.08).
- D. In addition to the Uniform Criminal Citation the officer shall complete a report in Report Exec to detail the circumstances of the incident.

#### **2.416.16 Citation Booklet**

- A. The yellow copy of the Uniform Criminal Citation is to be given the defendant upon release.
- B. The pink copy is retained by the officer and the white and green copies will be put in the Operations Captain's in-basket for review.
  1. After review, the copies will be forwarded to the Business Specialist for submission to the court and file retention.
- C. The Business Specialist is to retain a copy of each citation for in agency files.

#### **2.416.18 Procedures**

- A. When an officer determines that a Uniform Criminal Citation shall be the form to charge a defendant the officer shall use the Uniform Criminal Citation form to charge a defendant by citation. The officer shall use:
  1. The pre-printed/pre-numbered book provided by the District Court;
- B. The names and addresses of the Victims and Witnesses shall only be listed on the police report and not the citation.
- C. Copies of the Uniform Criminal Citation shall be given to the defendant upon release.
- D. Copies of the Uniform Criminal Citation, Probable Cause Sheet, and Incident Report shall be forwarded to the State's Attorney's Office for review.

**2.416.20 Officer Responsibilities**

- A. When a citation is to be issued, the officer is to request identification from the person and perform a warrant check.
  - 1. If the violator does not furnish satisfactory evidence of identity or the officer has reasonable grounds to believe the person charged will disregard a written promise to appear, that person may be arrested.
- B. Make appropriate data entries on the citation.
- C. Do not accept any monies, checks, etc. for the payment of any fine.
- D. If an error is made (i.e. wrong date or location, improper violation, etc.):
  - 1. Write an administrative report and request the citation to be voided, explaining the error. Attach all four copies to the citation.
  - 2. Issue a new citation and put its number in the report.
  - 3. Write "VOID REQUESTED" on the citation, with the date and number of the new citation.
- E. Obtain a complaint number and prepare a report in Report Exec. Include information about the seizure of any evidence. Photograph subject and upload photograph in Report Exec.
- F. Give the defendant the "yellow" copy of the citation
- G. Put the "white" and "green" copies in the basket outside of the Operation Captain's office.
  - 1. **On the back of the "white" copy is space to request witnesses.**
  - 2. **Be absolutely certain witness information is NOT transferred to other copies of the citation form - specifically the defendant's copy.**
  - 3. **On the back of the "green" copy is space to write your probable cause statement. DO NOT TURN-IN THE "GREEN" COPY WITHOUT FIRST COMPLETING THE PROBABLE CAUSE INFORMATION.**
  - 4. Keep "pink" copy for use in court
  - 5. All evidence confiscated shall be handled in keeping with established procedures.
- H. Citations must be completed and submitted by end of shift. A failure to have citations submitted to the courts within time constraints may result in charges being dropped.
- I. Officers charging a UB student are also required to refer the case to the Dean of Students.

**2.416.22 Supervisor's Responsibilities**

- A. Sergeants/OIC's shall review issued citations and related reports for accuracy, completeness, spelling and grammar.
  - 1. Note any discrepancies and notify the issuing officer to make the necessary corrections.
- B. The Operations Captain shall review all issued citations and related reports, then forward to the Business Specialist.
- C. The Business Specialist will prepare copies for file and the transmittal sheet.
  - 1. After a careful review, the Business Specialist forwards the "white and "green" copies of each citation and the transmittal sheet to the Office of the Clerk at 1400 E. North Ave. Transmittal sheets will be completed and processed as directed by the rules of the District Court.
  - 2. The Business Specialist will ensure compliance with the requirements listed under 2.416.24 - STATISTICAL DATA COLLECTION.
- D. Citations to be voided will be separated and submitted on a separate transmittal sheet, clearly marked, "REQUEST TO VOID." The administrative report (s) shall accompany the transmittal sheet.

E. The Business Specialist will also ensure an adequate supply of Criminal Citation Books are on hand.

**2.416.24 Statistical Data Collection**

A. Beginning December 31, 2012, MPSTC and MSAC in consultation with the Administrative Office of the Courts (AOC) will develop a format and procedures for the collection of certain criminal citations data.

B. Beginning January 1, 2013 the Business Specialist will be required to collect the following data on all criminal citations issued:

1. The date, location, and time of the issuance of the citation;
2. The offense charged;
3. The gender of the offender;
4. The date of birth of the offender;
5. The state and, if available, the county of residence of the offender; and
6. The race or ethnicity of the offender as:
  - a) Asian;
  - b) Black;
  - c) Hispanic;
  - d) White; or
  - e) Other