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Sheriff

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

Criminal Citations

Distribution:	All Personnel	Index:	OPS 1306
Responsible Unit:	Services and Support Bureau	Rescinds:	SOP #P12-2
		MD Code:	Various (see references)

Issued:	10/01/21	Reviewed:	09/27/21	Next Review:	09/27/24
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1. Purpose

To establish policy governing the mandatory issuance of a criminal citation for certain criminal offenses if the defendant meets certain criteria.

2. Policy

Deputies will issue criminal citations in compliance with the law and this directive.

3. References

[Criminal Citation Reference List](#)

MD Criminal Procedure § 4-101

4. Procedures

A. Guidelines for the Use of an Adult Uniform Criminal Citation

1. A deputy who has grounds to make an arrest for an offense listed below and the "Criteria" in section B are met, **will** issue a Criminal Citation for that arrest:
 - a. Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;
 - b. 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 A-3 below; or
 - c. Possession of marijuana under § 5-601 of the Criminal Law Article (misdemeanor possession over 10 grams).
2. A deputy who has grounds to make an arrest for an offense listed below and the "Criteria" in section B are met, **may** issue a criminal citation for that arrest:
 - a. 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;

- b. Malicious destruction of property under § 6-301 of the Criminal Law Article, if the amount of damage to the property is less than \$500;
 - c. Misdemeanor theft under § 7-104 (g)(2) of the Criminal Law Article (under \$1,500); or
 - d. Possession of controlled dangerous substances (CDS) other than Marijuana under § 5-601 of the Criminal Law Article.
3. A deputy may **not** issue a criminal citation for the following offenses:
- a. Failure to comply with a peace order under § 3-1508 of the Courts Article;
 - b. Failure to comply with a protective order under § 4-509 of the Family Law Article;
 - c. A violation of a condition of pretrial or post-trial release under § 5-233.1 of the Criminal Procedure Article;
 - d. 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;
 - e. Violation of an out-of-state domestic violence order under § 4-508.1 of the Family Law Article; or
 - f. Abuse or neglect of an animal under § 10-604 of the Criminal Law Article.
4. The deputy may make an arrest and conduct a search incident to arrest, but the defendant will not be transported for booking unless additional charges are warranted based on the results of the search incident to arrest per the "Criteria" in section B. The defendant will be released upon their signature on the citation.
5. All violations charged on the Uniform Criminal Citation (DC/CR 45) are "MUST APPEAR" violations requiring a defendant to appear in court. There are no predetermined fines that a defendant can pay in lieu of going to court. The issuing deputy does not set a trial date. The courts will provide the trial date and summons the defendant and any witnesses.

B. Criteria on Issuing the Uniform Criminal Citation

1. A deputy may charge a defendant on a Uniform Criminal Citation only if:
- a. The deputy is satisfied with the defendant's evidence of identity;
 - b. The deputy reasonably believes that the defendant will comply with the citation;
 - c. The deputy reasonably believes that the failure to charge on a statement of charges will not post a threat to public safety;
 - d. The defendant is not subject to arrest for an alleged misdemeanor involving serious injury or immediate health risk or an alleged felony arising out of the same incident or based on an outstanding warrant; and

e. The defendant complies with all lawful orders given by the deputy.


2. If the defendant cannot meet the criteria listed above, the deputy will arrest the defendant and charge the defendant on a statement of charges and ensure the defendant appears before a district court commissioner. The deputy must detail at the bottom of the Statement of Probable Cause (DC/CR 4A) which criteria the defendant failed to meet in these cases.

C. Completing the Uniform Criminal Citation

1. Deputies will use the Uniform Criminal Citation (DC/CR 45) to charge a defendant with a criminal offense. If the citation is illegible, completed improperly, or incomplete, the Courts will return the citation to the deputy for corrections. Because the Uniform Criminal Citation is a Statement of Charges, any changes made to the document will necessitate re-issuance of the citation to the defendant.
2. 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 the Defendant's Information section. Deputies must list race or ethnicity as the following:
 - a. Asian;
 - b. Black;
 - c. Hispanic;
 - d. White; or
 - e. Other.
3. All citation numbers (traffic or civil) that are issued to a defendant must be listed in the Related Citations section.
4. The date, time, location of the infraction, and a brief statement of facts is to be entered in the Charges section.
 - a. The deputy must check the appropriate block in front of the statute/code being enforced in the Type of Violation section.
 - b. The article, section, and Criminal Justice Information Services (CJIS) code (if applicable) of a particular statute/code is placed in the Document/Article section.
 - c. The maximum penalty for the violation being charged is entered in the Penalty section.
5. The deputy will place the address of the Bel Air District Court in the Court Location Section.
6. The District Court will provide a trial date for the charges. Deputies will check the box to the left of "When notified by the court."

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7. The defendant must sign the citation, acknowledging that they agree to appear for trial when notified. If the defendant refuses to sign the citation on a violation that does not carry a penalty of imprisonment, the deputy must arrest the defendant and charge the defendant on a Statement of Charges. If after an arrest on charges carrying a penalty of incarceration, a defendant refuses to sign the citation, the deputy will charge the defendant on a Statement of Charges.
8. The charging deputy must sign the citation and place the date the citation is issued next to their name. The deputy must provide the Agency Code, the Sub-Agency Code (the charging deputy's assignment), and their four-digit identification number.
9. Deputies will not attempt to write the entire probable cause statement on the back of the Uniform Criminal Citation and will utilize the Statement of Probable Cause Continuation Sheet (DC/CR 4) to complete the probable cause narrative. The deputy will place the Uniform Criminal Citation number in the case number block on the DC/CR 4.
10. The charging deputy will create an Incident Report in the Records Management System (RMS) and scan a copy of the Uniform Criminal Citation and Probable Cause Continuation Sheet to the record.
11. All physical copies of the Uniform Criminal Citation and Statement of Probable Cause Continuation Sheets (other than the deputy's copy and the defendant's copy, which is issued to the defendant by the deputy) will be submitted to the Law Enforcement Records Unit by the deputy's supervisor. A copy of the citation and report will be forwarded by the Law Enforcement Records Unit to the Office of the State's Attorney's for Harford County.

Approved

JEFFREY GAHLER
SHERIFF
9/27/2021