

Laurel Police Department – General Order  
Chapter V, Section 100, Order 118 – Criminal Citations  
January 1, 2013

**5 / 118.05 POLICY**

It is Department policy that a police 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 shall be issued a Uniform Criminal Citation in lieu of arrest and the defendant shall be released upon their signature on the citation.

**5 / 118.10 PURPOSE**

To set Department guidelines for the issuance of Uniform Criminal Citations

**5 / 118.15 DEFINITIONS**

None

**5 / 118.20 PROCEDURES**

A. GENERAL

1. Officers are required to issue a criminal citation for certain criminal offenses if the defendant meets certain criteria.
  - a. 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
    - 2) Or, Make the arrest, process,
      - a) Fingerprint and photograph the defendant
    - 3) And, Issue a citation in lieu of continued custody to await an appearance before a court commissioner.
2. Officers who have grounds to make an arrest for possession of marijuana or an any misdemeanor violation that does not carry a maximum penalty of imprisonment is 90 days or less shall make the arrest, search incident to arrest, and process the defendant.
  - a. If an officer determines the defendant meets the criteria a defendant shall be charged by Uniform Criminal Citation and shall be released upon their signature on the citation in lieu of continued custody.

B. CRITERIA FOR ISSUANCE OF CITATION

1. Although the law mandates the issuance of a citation for qualifying offenses, the Maryland General Assembly understood that a defendant must meet certain criteria to be released without approval by a court commissioner.
  - a. 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.
    - 1) Officers are required to charge a defendant by citation only if:
      - a) The officer is satisfied with the defendant's evidence of identity;

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- I. The officer reasonably believes that the defendant will comply with the citation;
- II. The officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;
- III. The defendant is not subject to arrest for another criminal charge arising out of the same incident; and
- IV. The defendant complies with all lawful orders by the officer.

C. QUALIFYING OFFENSES

- 1. 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 the Criminal Law Article.
- 2. Refer to General Order 5/518A for a comprehensive list of qualifying offenses that require charge by criminal citation.
- 3. Exceptions
  - a. The following offenses may not be charged by criminal citation:
    - 1) Failure to comply with a peace order under the Courts Article;
    - 2) Failure to comply with a protective order under 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 the Criminal Procedure Article;
    - 4) Possession of an electronic control device after conviction of a drug felony or crime of violence under the Criminal Law Article;
    - 5) Violation of an out of state domestic violence order under the Family Law Article; and
    - 6) Abuse or neglect of an animal under the Criminal Law Article.

D. REQUIRED FORMS AND REPORTS

- 1. Uniform Criminal Citation, DC/CR 45
  - a. The officer shall use the Uniform Criminal Citation form to charge a defendant by citation.
    - 1) The officer shall use either:
      - a) The pre-printed/pre-numbered book provided by the District Court; or
      - b) In the case of an electronic format, the assigned electronic citation number provided by the District Court.
- 2. Probable Cause Continuation Sheet Form DC/CR 4
  - a. An officer shall use the statement of probable cause continuation sheet to complete the probable cause narrative outlining the facts and circumstances substantiating the charge.
  - b. The Uniform Criminal Citation number shall be recorded in the case number block on the continuation sheet.

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3. Statement of Charges Form DC/CR 2
  - a. A Statement of Charges is used if the defendant does not comply with Section 5/517.20.D of this General Order.
  - b. 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
4. Criminal Investigation Report/Incident Report
  - a. In addition to the Uniform Criminal Citation and the probable cause continuation sheet(s), an officer shall complete an Incident Report detailing the circumstances of the incident as required by agency policy.
  - b. A copy of the report shall be forwarded to the States Attorney’s office with a copy of the citation.
5. When an officer determines that a Uniform Criminal Citation shall be the form to charge a defendant the officer shall use the preprinted/pre-numbered book provided by the District Court or the assigned electronic citation number provided by the District Court.
  - a. The officer shall use the statement of probable cause continuation sheet to complete the probable cause narrative outlining the facts and circumstances substantiating the charge.
  - b. The Uniform Criminal Citation number shall be recorded in the case number block on the continuation sheet.
6. The names and addresses of the Victims and Witnesses shall only be listed on the police report and not the citation.
7. In every case, copies of the Uniform Criminal Citation and continuation sheet(s) shall be given to the defendant upon their release

**5 / 118.25 GOVERNING LEGISLATION AND REFERENCES**

Maryland State Law, Courts and Judicial Proceeding, Title 3, Subtitle 1508  
Maryland State Law, Criminal Law, Title 4, Subtitle 109  
Maryland State Law, Criminal Law, Title 10, Subtitle 604  
Maryland State Law, Criminal Procedure, Title 5, Subtitle 213  
Maryland State Law, Family Law, Title 4, Subtitle 508  
Maryland State Law, Family Law, Title 4, Subtitle 509

**5 /118.30 ANNEX**

General Order 5 / 118A, Criminal Citations