



**Baltimore County Sheriff's Office
Towson, Maryland**

**Sheriff
R. Jay Fisher**

General Order

Subject: Enforcement by Citation	Effective Date 1/1/2013	Number B-25
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Purpose: To establish the policies and procedures for the enforcement by criminal citation.

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I. Overview

The 2012 Maryland General Assembly passed legislation (Senate Bill 422/Chapter 504) mandating the issuance of a criminal citation for certain offenses if the defendant meets certain criteria. If these criteria are met, the law allows a deputy who has grounds to make a warrantless arrest to (i) issue a citation in lieu of making an arrest or (ii) make the arrest, process (i.e., fingerprint and photograph the defendant), and issue a criminal citation in lieu of continued custody to await an appearance before a court commissioner. This legislation becomes effective January 1, 2013.

II. Policy

- A.** It is the policy of the Baltimore County Sheriff's Office that *deputies shall make the arrest* for a "Qualifying Offense" and then conduct a search incident to that arrest, process through the Warrant Squad Office/Area and then issue a criminal citation in lieu of continued custody, **if the suspect meets the "Criteria for Issuance of Criminal Citations"**.
- B.** It is the policy of the Baltimore County Sheriff's Office that deputies who have grounds to make an arrest for an offense that meets the criteria specified in section III D, Criteria for Issuance of Citation, shall issue a Criminal Citation. The suspect shall be released upon their signature on the Criminal Citation following processing in the Warrant Squad Office/Area.
- C.** It is the policy of the Baltimore County Sheriff's Office that deputies shall not unlawfully detain any person based upon race, color, and ethnicity, national origin, gender, age, sexual orientation, disability, or genetic information.
- D.** It is the policy of the Baltimore County Sheriff's Office that deputies 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.

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III. Criteria for Issuance of Citation

- A. Although the law mandates the issuance of a citation for qualifying offences, the law requires the defendant to meet certain criteria to be released without approval by a court commissioner. If the defendant cannot meet the criteria listed below, the deputy will charge the defendant on a statement of charges and ensure the defendant's appearance before a court commissioner.
- B. The law requires a law enforcement officer to charge a defendant on a citation only if:
1. The deputy is satisfied with the defendant's evidence of identity;
 2. The deputy reasonably believes that the defendant will comply with the citation;
 3. The deputy 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 deputy.

*Note: In a citable case, where a defendant appears before a District Court Commissioner the deputy **must** state in the probable cause statement which of the five above criteria the defendant failed to meet.*

- C. **Exceptions:** The following 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; and
 6. Abuse or neglect of an animal under § 10-604 of the Criminal Law Article.

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- D. Qualifying Offenses:** 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.

Note: See Appendix A for a top 20 list of qualifying offenses that require charge by criminal citation. The list of qualifying misdemeanors and local ordinance's will be kept in the Desk Sergeant's area, the Warrant Squad area and each supervisor will have a copy available.

IV. Required Forms and Reports

- A. Uniform Criminal Citation Form DC/CR 45:** Deputies will use the Uniform Criminal Citation form to charge a defendant by citation and will use the preprinted /pre-numbered citation from the citation book provided by the District Court. In completing the citation deputies will enter the defendant's race.
- B. Probable Cause Continuations Sheet Form DC/CR 4:** Under no circumstances should deputies try to write the entire probable cause statement on the back of the Uniform Criminal Citation. Deputies will use the statement of probable cause continuation sheet (DC/CR 4) to complete the probable cause narrative outlining the facts and circumstances substantiating the charge. The Uniform Criminal Citation number will be recorded in the case number block on the continuation sheet.

*Note: The Baltimore County State's Attorney's Office will **not** prosecute the defendant if the statement of probable cause is written on the Uniform Criminal Citation Form, you must use the Probable Cause Continuations Sheet Form to complete your statement of probable cause.*

- C. Statement of Charges Form DC/CR 2:** A Statement of Charges is used if the defendant does not comply with the Criteria for Issuance of Citation, (see section III of this order). If the defendant is charged on a Statement of Charges for an offense that qualifies for charge by citation; a note **shall** 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.

*Note: The District Court Commissioners will **not** see the defendant if this note, explaining why the defendant was not released on a criminal citation, is not at the end of the statement of probable cause.*

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D. Agency Event Report Form # 10: In addition to the Uniform Criminal Citation and Probable Cause Continuation Form or Statement of Charges Form, deputies will complete a Baltimore County Sheriff's Office Event Report.

*Note: The names and addresses of the victims and witnesses will **only** be listed on the Event Report and **not** on the Uniform Criminal Citation Form.*

E. In every case, copies of the Uniform Criminal Citation(s) and Probable Cause Continuations Sheet(s) will be given to the defendant upon his/her release.

*Note: Do **not** give a copy of the Event Report to the defendant.*

F. Copies of the Uniform Criminal Citation(s) and Probable Cause Continuation Sheet(s) will be given to the defendant upon release. Copies of the Uniform Criminal Citation(s), Probable Cause Continuation Sheet(s) and Event Report will be reviewed by the deputy's supervisor and forwarded to the Baltimore County State's Attorney's Office for review and prosecution.

V. Law Enforcement Reporting-Statistical Data Collection

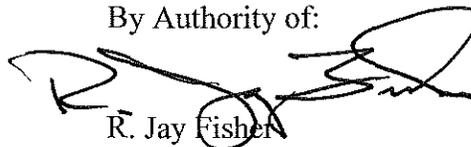
A. Beginning January 1, 2013 law enforcement agencies are required to collect the race or ethnicity of the defendant on all criminal citations issued as: (1) Asian; (2) Black; (3) Hispanic; (4) White; or (5) Other.

B. The Governor's Office of Crime Control and Prevention (GOCCP) in partnership with the Maryland State Police is pursuing an automated solution to law enforcement data collection via Delta+, the application that runs ETIX. Beginning January 1, 2013, Delta+ will include a race-based reporting module for criminal citations.

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R. Jay Fisher
Sheriff

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Appendix 1

APPENDIX A: Qualifying Offenses

Top 20 Misdemeanors

CJS Code	Statute 1	Statute 2	Statute 3	Statute 4	Charge Description	Penalty	Fine
1 0573	CR	5	601		POSS: MARIJUANA	1 YEAR	1000
5 3550	CR	5	619	(c)(1)	CDS:POSS PARAPHERNALIA	0	500
2 0060	CR	10	201	(c)(4)	DISTURB THE PEACE	60 DAYS	500
1 0521	CR	7	104		THEFT LESS THAN \$100.00	90 DAYS	500
2 2210	CR	6	402		TRESPASS-POSTED PROPERTY	90 DAYS	500
3 4025	CR	6	301		MAL DEST PROP/VALU - \$500	60 DAYS	500
1 1476	CP	5	212		FAIL APPEAR-CITATION	90 DAYS	500
1 4200	2B	19	101		ALC. BEV./INTOX:ENDANGER	90 DAYS	100
1 0191	CR	3	803		HARASS; A COURSE OF CONDUCT	90 DAYS	500
1 0640	CR	10	110	(c)	LITTER/DUMP UNDER 100 LBS	30 DAYS	1500
1 0349	2B	19	101		ALC BEV./RETAIL AREA DRINK	90 DAYS	100
1 0353	2B	19	301		ALC BEV OPEN CONT RETL EST	0	100
7 4100	2B	19	202		ALC BEV/PROHIB PLACE DRINK	0	100
1 0005	FL	5	801		CONFINE UNATTENDED CHILD	30 DAYS	500
1 1143	CR	8	103	(b)	BAD CHECK/STOP PAY/LESS THAN \$100	90 DAYS	500
1 0350	2B	19	202		ALC BEV./RETAIL AREA DRINK	0	100
8 0000	2B	19	301		ALC BEV/OPEN CONT/RETL EST	0	100
1 0581	CR	8	206	(a)	CRDT CRD/ANTHR CHG L/T \$100	90 DAYS	500
1 0047	ED	7	301		SCHOOL:FAIL SEND CHILD	10 DAYS	50
1 0592	NR	1	206		FAIL COMPLY W/LAWFUL ORDER	3 MONTHS	500