



# FROSTBURG CITY POLICE DEPARTMENT

37 BROADWAY, FROSTBURG, MD 21532 • 301-689-3000 (P) 301-687-0642 (F)

**Kevin G. Grove**  
*Commissioner of Public Safety*

**Nicholas J. Costello**  
*Chief of Police*

## Criminal Citations

### **I. Purpose:**

The purpose of this policy is to provide guidance and direction on the issuance of criminal citations consistent with law.

### **II. Policy:**

- A.** Police Officers of the Frostburg City Police Department are authorized to issue criminal citations in lieu of physical arrest or continued custody when permitted by law.
- B.** Police Officers of the Frostburg City Police Department are required to issue criminal citations in lieu of physical arrest or continued custody when required by law.
- C.** Police Officers of the Frostburg City Police Department shall follow the procedures in this document when handling a criminal citation matter.

### **III. Procedure :**

- A. Form.** Criminal Citations are issued on the State of Maryland Uniform Criminal Citation (Form DC/CR 45).
  - 1.** A Criminal Citation may be handwritten on pre-printed Form DC/CR 45 with a tracking number; or
  - 2.** A Criminal Citation may be issued using the electronic form from the District Court of Maryland website. When the electronic form is used, the tracking number should be filled in using a tracking number from a blank Criminal Citation. The blank Criminal Citation should then be attached to the printed electronic form and submitted to the court.
- B. Conditions for Criminal Citation.** A police officer may 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;



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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:
    - a. for an alleged misdemeanor involving serious injury or immediate health risk or an alleged felony arising out of the same incident; or
    - b. based on an outstanding arrest warrant; and
    - c. the defendant complies with all lawful orders by the officer.
- C. A police officer who has grounds to make a warrantless arrest for an offense that may be charged by citation under this subsection may:
1. issue a citation at the scene in lieu of making the arrest; or
  2. make the arrest and subsequently issue a citation in lieu of continued custody.
- D. Release on Criminal Citation Required.** In addition to any other law allowing a crime to be charged by citation, a police officer shall charge by citation for:
1. any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;
  2. any other misdemeanor or local ordinance violation not involving serious injury or an immediate health risk for which the maximum penalty of imprisonment is 90 days or less, except:
    - 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. violation of a condition of pretrial or posttrial release under § 5-213.1 of this 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;



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- 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; or
- g. possession of marijuana under § 5-601 of the Criminal Law Article.

**E. Optional Criminal Citations.** In addition to any other law allowing a crime to be charged by citation, a police officer may charge by citation for:

1. sale of an alcoholic beverage to an underage drinker or intoxicated person under § 6-304, § 6-307, § 6-308, or § 6-309 of the Alcoholic Beverages Article;
2. malicious destruction of property under § 6-301 of the Criminal Law Article, if the amount of damage to the property is less than \$1,000;
3. misdemeanor theft under § 7-104(g)(2) (theft value \$100 but less than \$1,500) of the Criminal Law Article; or
4. possession of a controlled dangerous substance other than marijuana under § 5-601 of the Criminal Law Article.

**F. Initial Appearance.** If an arrested person does not meet the criteria for issuance of a Criminal Citation and remains in police custody, the arresting officer will ensure that a Statement of Charges and Statement of Probable Cause is completed and the arrestee promptly presented before a District Court Commissioner for an initial appearance.

## Comments

Comment 1. Language and procedures in this section drafted from Md. Code Ann., Crim. Proc., § 4-101.