

Criminal, Juvenile, and Civil Citations

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Easton Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail. This policy also provides guidance on the issuance of adult and juvenile civil citations for violations of certain civil laws and municipal infractions.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy, 311.

410.2 POLICY

The Easton Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

410.3 CRIMINAL CITATIONS

An officer shall charge a suspected offender by criminal citation as follows (Md. Code CP § 4-101(c):)

- (a) Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment.
- (b) Any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less.
- (c) Possession of marijuana.

410.3.1 ARREST AND RELEASE

An officer who has grounds to make a warrantless arrest for an offense that may be charged by citation may (Md. Code CP § 4-101(c)(3)):

- (a) Issue a citation in lieu of making the arrest.
- (b) Make the arrest and subsequently issue a citation in lieu of continued custody.

410.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when the misdemeanor or local ordinance violation involves any of the following (Md. Code CP § 4-101(c)(1)):

- (a) Failure to comply with a peace order under Md. Code CJ § 3-1508.
- (b) Failure to comply with a protective order under Md. Code FL § 4-509.
- (c) Violation of a condition of pretrial or post trial release under Md. Code CP § 5-213.1.
- (d) Possession of an electronic control device after conviction of a drug felony or crime of violence under Md. Code CR § 4-109(b).

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- (e) Violation of an out-of-state domestic violence order under Md. Code FL § 4-508.1.
- (f) Abuse or neglect of an animal under Md. Code CR § 10-604.

See the Domestic Violence Policy for release restrictions related to those investigations.

410.5 CONSIDERATIONS

An officer may charge a defendant by citation provided (Md. Code CP § 4-101(c)(2)):

- (a) The officer is satisfied with the defendant's evidence of identity.
- (b) The officer reasonably believes that the defendant will comply with the citation.
- (c) The officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety.
- (d) The defendant is not subject to arrest for another criminal charge arising out of the same incident.
- (e) The defendant complies with all lawful orders by the officer.

410.6 ADULT AND JUVENILE CIVIL CITATIONS

Enforcement action is limited to the issuance of civil citations. Officers may arrest if the violator:

- (a) Refuses or fails to provide the officer with proper identification and/or age.
- (b) Falsely identifies themselves.
- (c) Is committing another criminal act.

Refusal to sign the citation by the accused is not sufficient cause to effect an arrest. The officer will write "Refused to Sign" on the line designated "Defendant's Signature."

410.6.1 JUVENILE CITATIONS (DC 31)

The Juvenile Citation is to be issued for alcohol, tobacco, lottery, civil marijuana, and other status offenses.

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (42 USC § 5633.)

The following offenses require a citation in lieu of custody absent a separate justification for custody (Md. Code CJ § 3-8A-33):

- (a) Alcoholic beverage violations (Md. Code CR § 10-113; Md. Code CR § 10-114; Md. Code CR § 10-115; Md. Code CR § 10-116)
- (b) Possession of tobacco product by minor (Md. Code CR § 10-108)
- (c) Possession of *Salvia divinorum* (Md. Code CR § 10-132)
- (d) Table game and video lottery terminal violations (Md. Code CR § 10-136)

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- (e) Alcohol possession or consumption on school premises (Md. Code ED § 26-103)
- (f) Use or possession of less than 10 grams of marijuana (Md. Code CR § 5-601)

Officer's who cite juveniles that appear to be under the influence, will take the juvenile into protective custody.

- (a) If the juvenile is taken into custody:
 - 1. They will be transported to the Department and the juvenile's parent(s) or guardian(s) shall be contacted immediately and advised to respond to take custody of the juvenile.
 - 2. A Field Arrest and Juvenile Referral Attachment will be completed in RMS.
 - 3. An Incident Report will be completed.
- (b) If the officer issues a juvenile citation and the parent/guardian is not present to sign the citation:
 - 1. The charging officer shall contact the parent or guardian by telephone, before the end of their shift, and advise them of the situation.
 - 2. If the parent/guardian cannot be contacted, the officer will ensure that a copy of the citation is mailed to the parent/guardian.
 - 3. This information will be reflected in the report narrative.
- (c) Officers may seize any evidence needed to substantiate the charge. Evidence seized relating to a Juvenile Citation will be handled according to applicable Departmental regulations.
- (d) Only one case number is needed per incident, regardless of the number of defendants.
- (e) Refer to the "Criminal, Civil, and Juvenile Citation Manual" for specific instructions on how to fill out citations.

410.6.2 ADULT CIVIL CITATIONS (DC 28)

- (a) The civil citation is to be used for certain adult civil violations (e.g., alcohol offenses).
- (b) The defendant will not be taken into custody, unless criminal charges also exist or the defendant fails to provide proof of identification and/or age.
- (c) An Incident Report shall be completed.
- (d) The defendant shall be released upon his signature.
- (e) Refer to the "Criminal, Civil, and Juvenile Citation Manual" for specific instructions on how to fill out citations.

410.6.3 ADULT MUNICIPAL INFRACTIONS

- (a) In the case of a violation of Town of Easton Ordinances, a "Municipal Infraction" citation shall be issued, using the civil citation, Form DC 28.
- (b) The defendant need not be taken into custody, unless criminal charges also exist.
- (c) An Incident Report shall be completed.

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- (d) The defendant shall be released upon his/her signature.
- (e) Refer to the "Criminal, Civil, and Juvenile Citation Manual" for specific instructions on how to fill out citations.