



ADULT UNIFORM CIVIL CITATION

INDEX CODE: 2191
EFFECTIVE DATE: 12-24-08

Contents:

- I. Purpose
- II. Limitations on Issuing a Civil Citation
- III. Guidelines for the Use of an Adult Civil Citation
- IV. Multiple Citations
- V. Witness Summons
- VI. Distribution of Copies
- VII. Written Report Requirements
- VIII. Voiding a Citation
- IX. Completing the Civil Citation
- X. Proponent Unit
- XI. Cancellation

I. PURPOSE

The Maryland Uniform Civil Citation (Form # DC28) is designed to provide a single format on which police officers can charge a defendant with violations of certain civil codes and statutes. This applies to both State and County codes. The Adult Civil Citation may only be issued to adults (18 years or older).

II. LIMITATIONS ON ISSUING A CIVIL CITATION

A Civil Citation MAY NOT be issued in any of the following situations:

- A. Civil violations which carry a punishment in excess of three (3) months imprisonment and/or a fine in excess of \$500.00.
- B. Any Juvenile Civil or Criminal violation.
- C. Violations of the Maryland Transportation Article.
- D. Parking violations.
- E. When a defendant cannot or will not provide satisfactory identification.
- F. When an officer has reason to believe that the recipient of an Adult Civil Citation will not appear in court as required.
- G. Failure to furnish proof of identification and/or age upon request for an alcohol violation (Article **CR** Section **10-120**).

Applicable civil code violations suitable for this document are published as Appendix B to this directive.

III. GUIDELINES FOR THE USE OF AN ADULT CIVIL CITATION

- A. Maryland Rule 4-202(h) permits a peace officer to utilize a citation in lieu of making an arrest for a petty offense. An officer who witnesses an adult violating one of the specified laws may issue the violator an Adult Civil Citation, and then release the violator.
- B. If the officer does not witness the offense, but is given information by a witness or affiant, which would justify the placing of charges, the officer may issue the violator a Civil Citation, and summons the witness or affiant via existing witness summons procedures.

C. The alcohol abuse codes that are enforced using the Adult Civil Citation are listed in Appendix B of this directive. There is one alcohol related offense for which the issuance of an Adult Criminal Citation or an arrest is warranted. That offense is Article **CR** Section **10-120**: Failure to furnish proof of identification and/or age upon request. This charge is appropriate only when the defendant has violated one of the following alcohol offenses and then refuses to provide identification: Article CR Sections 10-113 through 10-118, and Article 26, Section 103 of the Education Article. If Article **CR** Section **10-120** is to be charged, the following procedures must be adhered to:

1. The original alcohol offense will be charged on a Civil Citation.
2. The “Must Appear in Court” section of the Civil Citation will be checked.
3. The charge for Article **CR** Section **10-120** will be placed on an Adult Criminal Citation (Form# DC/CR45) or, if the issuing officer feels that it is warranted, the officer may elect to arrest the defendant and place the charge on a Statement of Charges.

D. It is very important that the issuing officer of an Adult Civil Citation be specific as to what paragraph of the code is being enforced. There are a number of instances when a specific code has both civil and criminal applications. Issuing officers must also put the maximum penalty for the code violation in the space provided on the Civil Citation.

E. Unlike a Statement of Charges or an Adult Criminal Citation which both require the issuing officer to place a Statement of Probable Cause on the charging document, the Adult Civil Citation only requires that the issuing officer place the wording of the specific statute relating to the violation on the citation.

F. It is important that the issuing officer print legibly when filling out the citation. If the citation is illegible or incomplete, the Courts will return the citation to the officer to correct.

IV. MULTIPLE CITATIONS

If more than one Adult Civil Citation is issued to a defendant, the issuing officer must place the numbers of the related citations in the section marked “Related Citations.” If a Statement of Charges is issued to a defendant along with an Adult Civil Citation, the charging officer must put the charging document numbers on both the Statement of Charges and the Adult Civil Citation.

If there is more than one defendant charged by the charging officer, that officer has the option to have all of the defendants stand trial separately or together. If the officer wants the defendants to stand trial together, the officer will place the numbers of the related citations in the “Related Citations” section of each defendants’ citation.

V. WITNESS SUMMONS

A. The witness summons section of the Adult Civil Citation is located on the back of the “Court Copy.” The same procedures are used when summoning a witness for a District Court case. The witness’ name, address, city, state, zip code, and day and night phone numbers must be provided. It is very important that the witness’ day and night phone numbers be provided to the Court so that they can call the witness and notify them of a postponement or a guilty plea.

B. When summoning a witness Anne Arundel County police officer, write “WPO” in the space provided for the witness’ name. The issuing officer will then write the Agency Code, Sub-Agency Code, the witness officer’s I.D. number, and work phone number in the space provided.

C. If the witness officer is from another Department, the issuing officer must complete the entire witness section just as he/she would for a civilian witness.

D. If there is a need to summons more witnesses and the space is not available on the rear of the “Court Copy” of the citation, supplement the summons portion of the citation utilizing the standard District Court “Request for Witness Summons” form (Form# DC/CR 92).

VI. DISTRIBUTION OF COPIES

All copies of the Civil Citation, except for the Defendant's Copy and the Officer's Copy, must be turned in to a Booking Officer for entry into the booking system, before the end of the issuing officer's tour of duty. After completing this entry, the Booking Officer will turn the citations in to a supervisor who will forward them to Central Records.

VII. WRITTEN REPORT REQUIREMENTS

A written report must be submitted whenever a Civil Citation is issued, except in the case of civil violations pertaining to the operation/maintenance of alarm systems. Reports are to be turned in to a supervisor along with the citation copies before the end of the issuing officer's tour of duty.

VIII. VOIDING A CITATION

If an error is made in the completion of a Uniform Civil Citation, it MAY NOT be destroyed. The citation must be sent back to Central Records with "VOID" written across it.

IX. COMPLETING THE CIVIL CITATION

The following guidelines are to be utilized when completing and issuing the Uniform Civil Citation (Form# DC28).

A. District Court Jurisdiction

Place "Anne Arundel County" in this section.

B. Defendant's Information

The defendant's name, current address, DOB, personal identifiers, and phone numbers are to be placed in this section.

C. Agency

Our Agency Code is to be placed in this section along with the issuing officer's District/Assignment Code. The Agency Code for Anne Arundel County is "AC" and the Assignment Codes are as follows:

Headquarters/SOS	0001
Northern District	0002
Eastern District	0003
Southern District	0004
Western District	0005
<i>Special Enf. Section</i>	0006
CID	0007

D. Charges

The date, time, location of the infraction and the "SPECIFIC STATUTE" is entered in this section. If the charging officer is issuing the citation based on a statement or affidavit of a witness or victim, the issuing officer must provide the name of that person in the space provided in this section. It is important that the affiant's name, address, and phone numbers be provided in the summons portion of the citation, which is located on the back of the "Court Copy" of the citation.

If a written affidavit has been provided by a victim or witness, attach the affidavit to the "Court Copy" of the citation. A copy of the affidavit should also be submitted to the State's Attorney, along with a police report, prior to the trial.

If the wording of the statute cannot be completed in the space provided on the "Court Copy" of the citation, the officer will use Form# DC/CR 4A (Continuation of the Statement of Probable Cause) to supplement the Probable Cause section of the citation.

E. Violation

Place the specific Article, Section, Sub-Section, and Paragraph of the violation in this section after checking off the appropriate references.

F. Defendant's Signature

After explaining the nature of the charges to the defendant, have the defendant sign his/her name to the citation in this section. If the defendant refuses to sign the citation, the issuing officer will write "REFUSED TO SIGN" on the defendant's signature line.

G. Municipal Infractions

Municipal infractions are specific County or Local laws that are civil in nature and the fines associated with those violations are received directly by the County (i.e., noise in residential districts).

When charging a defendant with an infraction, the issuing officer must put the predetermined fine in the space provided next to the wording "YOU MAY PAY A FINE OF \$_____." The issuing officer will then place a date that is twenty (20) calendar days after the issue date of the citation on the same line and to the right of the payable fine.

Because this is a Municipal Infraction, the fine is to be paid directly to Anne Arundel County and NOT to the District Court. The issuing officer is to put the address for our Central Records Section as the location where a defendant can respond to pay a fine or notify the County that he/she is requesting a trial.

The address that is to be used for MUNICIPAL INFRACTIONS is as follows:

Anne Arundel County Police Department
8495 Veterans Highway
Millersville, MD 21108

If the defendant decides that he/she wants to stand trial on the charges, he/she must notify the Department in writing within five (5) business days of the date that the issuing officer has placed in this section. In order to notify the defendant of this requirement, the issuing officer must place in the space provided to the right of the word "WRITING" the following:

WRITING. . "To A.A. Co. by (set the date fifteen (15) calendar days from the issue date of the citation)". .

H. Civil Violations

The "Instructions" section of the Civil Citation provides defendants with information regarding their option to attend court or pay a preset fine. If the officer issues a defendant a charge that has no preset fine and requires the defendant to appear in Court, the officer must check the block adjacent to the words "YOU MUST APPEAR IN COURT." The officer must also check the block adjacent to the words "FAILING TO APPEAR OR PAY THE FINE MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST."

If the officer charges a defendant with a violation that gives the defendant an option to pay a preset fine or attend court, the issuing officer must check the blocks adjacent to the words "YOU MAY PAY A FINE. . ." and "YOU MAY ELECT TO STAND TRIAL . . ." Under the "YOU MAY PAY A FINE. . ." section, the issuing officer will add the applicable fine and place a date that is twenty (20) calendar days after the issue date of the citation. The officer then needs to mark the box for District Court and insert the address for the District Court. It is important that the officer uses the address of the District Court that he/she utilizes for their regularly scheduled court. Under the "YOU MAY ELECT TO STAND TRIAL . . ." section, all lines are to be left blank except for the space where a fine needs to be written. The same fine listed above will be written there. The officer must also check the block adjacent to the words "FAILING TO APPEAR OR PAY THE FINE MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST."

I. Court Locations

For officers who are scheduled to attend District Court in Glen Burnie, use:

7500 Ritchie Highway, Glen Burnie, 21061

For officers who are scheduled to attend District Court in Annapolis, use:

251 Rowe Boulevard, Annapolis, 21401

J. Officer's Signature

The issuing officer signs his/her name, date, the Agency Code for Anne Arundel County (AC), the Sub-Agency (e.g., 0001), the officer's I.D. number (must be a four digit number), and the officer's work phone number.

K. Police Case Number/Incident Number

The issuing officer must put the case and incident numbers in the left margin of the citation.

X. PROPONENT UNIT: Patrol Services Bureau.

XI. CANCELLATION: This directive cancels Index Code 2191, dated 05-05-06.