

Policy 808



Subject

CIVIL CITATION PROCEDURES

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By Order of the Police Commissioner

POLICY

It is the policy of the Baltimore Police Department (BPD) to:

- Issue Civil Citations when a citation represents the most effective and least intrusive response appropriate under the circumstances as reasonably understood by the member(s) at the time consistent with the goal of advancing public safety.
- Issue Civil Citations without regard for the race, gender, ethnicity, disability, national origin, age, religion, sexual orientation, or gender identity of the person to whom the citation(s) shall be issued.

CORE PRINCIPLES

Constitutional Enforcement. Members may only enforce Lesser Offenses, whether by issuing a warning, issuing a citation, or making a custodial arrest (See Policy 1106, *Warrantless Arrest Procedures and Probable Cause Standard*), where consistent with Fourth Amendment requirements — i.e., when they have probable cause to believe that a person has committed or is committing a criminal infraction or citable offense. In addition, such enforcement must also be consistent with other constitutional requirements, such as avoiding selective enforcement arising out of discriminatory bias (Fourteenth Amendment) or in retaliation for protected speech. (See Policy 317, *Fair and Impartial Policing*, and Policy 804, *First Amendment Protected Activity*).

Non-Discriminatory Policing. Members are prohibited from relying, to any extent or degree, on a person's race, ethnicity, national origin, religion, gender, sexual orientation, age, disability, gender identity or expression, or affiliation with any other similar identifiable group as a factor in conducting a field interview, investigative stop, vehicle stop, weapons pat-down, search, or arrest except when physically observable as part of an actual or credible description of a specific suspect or suspects in any criminal investigation that includes other appropriate non-demographic identifying factors (such as clothing or associated vehicle). See Policy 317, *Fair and Impartial Policing*.

Most Effective and Least Intrusive Response. A fair and effective response to a violation of the law balances public safety and order in the community against the serious impact of law enforcement action (e.g., loss of liberty; humiliation and stress; loss of income, employment, or housing) on the individual believed to have committed the violation. Where effective in resolving the violation in accordance with law and policy, problem-solving such as a verbal warning is generally preferable to a citation, and a citation is generally preferable to an arrest. As arrest is a last resort, members should refrain from making an arrest unless doing so reasonably advances the goal of public safety or addresses significant or chronic community disorder, and the situation cannot be resolved in a less intrusive manner that is authorized by law and policy.

Community Partnerships. The BPD continuously works with residents and neighborhood leaders to fully understand issues facing the City's diverse communities, and to co-develop strategies in order to

address those issues. In addition to the advancement of public safety goals, the enforcement of Lesser Offenses must also align with the interests and priorities of the communities which the BPD serves

DEFINITIONS

Acceptable Identification — Hereinafter referred to as “Acceptable ID”; Acceptable ID shall be considered one of the following:

- An identification presented by the person which the member reasonably believes to be satisfactory evidence of their identity; or
- An identification of the person that is confirmed through other reliable means (e.g., FAST ID, or an MVA/NCIC/CJIS query).

Some examples of Acceptable ID would be: a driver's license, a state-issued identification card, a passport, ID from government or non-government entities (See Policy 1021, *Immigration Status* and Appendix B, Sample Identification from Government and Non-Government Entities) or a military ID card. A member's prior knowledge of the person's identity alone, without supporting documentation, is **not** considered to be Acceptable ID.

Aggravating Circumstances – Specific, articulable factors known to a member at the time of an offense for which a member may account when determining the most effective and least intrusive response appropriate to enforce the violation. Examples include, but are not limited to:

- Multiple, prior, individual warnings and attempts to counsel without resolution,
- Addressing a formal community priority (e.g., co-developed strategy between BPD and neighborhood groups to specifically address concerns around Lesser Offenses), or
- Behavior indicating the person will not comply with a verbal warning.

Civil Citation – Official documentation stating that a person has committed a civil infraction and has been made aware of the infraction by law enforcement.

Civil Citation-Eligible Offense - Civil violations enumerated in Baltimore City Code Article 1, § 41-14 and the Code of Maryland. Civil violations are not criminal offenses, and the penalty for civil violations is typically a fine of \$1,000 or less. In order for a subject to be eligible to receive a Civil Citation, members must be satisfied that they have obtained the subject's identity whether through an Acceptable ID from/of the person or the member is able to obtain the subject's identity through additional investigation or computer checks.

GENERAL

1. Members shall issue a Civil Citation only where they have probable cause to believe a person has committed or is committing Civil Citation-Eligible Offense. Members will not rely on information known at the time to be materially false or incorrect in issuing a Civil Citation.
2. All members of the BPD **are prohibited** from considering the demographic category of the person in question to any extent or degree when taking, or refraining from taking, any law enforcement action, except when such information is part of an actual or credible description of a specific suspect in an ongoing investigation that also includes other appropriate non-demographic identifying factors.

3. As stated in Policy 1018, *Lesser Offenses and Alternatives to Arrest*, the appropriate response for Lesser Offenses is the most effective and least intrusive response appropriate under the circumstances as reasonably understood by the member at the time. A verbal warning and counseling is preferable to a citation of any kind where it is likely to effectively resolve the issue.
4. Even in the presence of Aggravating Circumstances, warning, counseling, and problem-solving should be considered when practicable prior to any citation. A member may issue a citation for Civil Citation-Eligible Offenses where Aggravating Circumstances exist as encountered by the member which support the issuance of a citation as opposed to a verbal warning and counseling.
5. Members are prohibited from conducting investigative stops when they lack reasonable suspicion, based on specific and articulable facts, that a person has committed or is committing a civil violation.
 - 5.1. When making an investigative stop, members must inform the person(s) stopped that they are not free to leave.
 - 5.2. Follow all protocols for investigative stops as outlined in Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*.
6. Members may only issue one (1) citation per offense. Where multiple, citation-eligible offenses exist, members must receive supervisory approval for the issuance of more than three (3) citations that arise from a single incident.

Civil Citation Authority

7. Members may only issue Civil Citations where authorized by specific, enacted legislation found in Baltimore City Code Article 1, §41-14 and state statutes.
8. A civil offense, where there is no crime involved, does not allow custodial arrest. Only a custodial arrest carries with it the automatic authority to conduct a search of the arrestee's person, garments and belongings. Therefore, if a member intends to issue a Civil Citation to a person "on the scene" and then allow them to depart the location after receiving the Civil Citation, there is no corresponding authority to conduct any type of search incident to arrest / non-consensual search.
9. A civil offense, where there is no RAS of criminal activity, does not allow a member to conduct a weapons pat-down of a suspect. If a member can demonstrate reasonable articulable suspicion that a person is involved in criminal activity and is armed with a dangerous and deadly weapon, and presents a threat to the safety of the member and/or others in the vicinity, the member may conduct a weapons pat-down in accordance with Policy 1112, *Field Interviews, Investigative Stops/Detentions, Weapons Pat-Downs & Searches*.

NOTE: All weapons pat-downs must be documented in accordance with Policy 1112, *Field Interviews, Investigative Stops/Detentions, Weapons Pat-Downs & Searches*.

DIRECTIVES

Member

10. When issuing a Civil Citation, members shall ensure that:

- 10.1. The suspect is at least 18 years of age.
- 10.2. A warrant check/10-29 is conducted and the person has no outstanding criminal warrants.
- 10.3. The person can be identified via some form of Acceptable ID or the member is able to verify the subject's identity through additional investigation or computer checks. If the person's Acceptable ID includes a unique identification number (such as a Soundex number, SID number, etc.), it must be included on the citation(s) and in any Incident Report, Form 8 that will be completed.
- 10.4. The person must sign the citation. If the person fails to sign, the member shall indicate on the citation that the person did not sign next to the "Defendant's Signature" line.
- 10.5. The person receives a copy of the citation.
11. Members shall include within the Civil Citation:
 - 11.1. The name and address of the person charged, if known,
 - 11.2. The violation for which the person is charged, including a narrative statement of cause for issuing the citation,
 - 11.3. The time when and place where the violation occurred,
 - 11.4. The amount of the fine (See Appendix A),
 - 11.5. The manner and time within which the person must either pay the fine specified in the violation or request a trial on the violation.
12. Members shall sign the Civil Citation to certify that the facts contained in the citation are true to the best of the member's information, knowledge, and belief.
13. Multiple citations may be issued, but only one offense may be charged per citation. Multiple citations shall be "looped" in the same fashion as when multiple traffic citations are issued to the same motorist.
14. All citations and related reports must be submitted to the member's supervisor before the end of the member's tour of duty.

REQUIRED ACTION

Members: Civil Citation Documentation

15. For Civil Citations that are issued as a result of an investigative stop, members shall complete an Incident Report, Form 8 detailing the basis for the stop, specific and descriptive language individualized to the person stopped, and the circumstances of the stop in accordance with Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs, and Searches*.

Supervisors: Civil Citation Review

16. Supervisors shall monitor the enforcement decisions made by a subordinate who is investigating a Civil Citation-Eligible Offense.
17. Supervisors shall approve a subordinate's request to issue more than three (3) Civil Citations from a single incident only when it represents the most effective and least intrusive response in an interaction given the Aggravating Factors and Eligibility Requirements reasonably known to the subordinate at the time.
18. Supervisors shall review every Civil Citation issued by a subordinate to ensure that:
 - 18.1. There is a concise narrative of the facts that led to the issuance of a Civil Citation on the front of the "City/Court Copy."
 - 18.2. Every Civil Citation issued by a subordinate has been reviewed by adding the supervisor's rank, name, and sequence number to the top-right portion of the "City/Court Copy."
 - 18.3. The person was identified to the satisfaction of the member issuing the citation through some form of Acceptable ID or the member is able to obtain the subject's identity through additional investigation or computer checks.
 - 18.4. If the Acceptable ID contained a unique identifying number, that number has been recorded in the appropriate locations of the citation(s).
 - 18.5. A warrant check/10-29 was conducted in order to verify that the person had no outstanding criminal warrants.
 - 18.6. The Civil Citation represented the most effective and least intrusive response appropriate under the circumstances as articulated by the member at the time, and was consistent with the public safety goals of the Department and community.
19. Supervisors shall complete a review of all documentation related to investigative stops and searches for completeness and adherence to law and Policy 1112, *Field Interviews, Investigative Stops/Detentions, Weapons Pat-Downs & Searches* within 72 hours of when the stop or search occurred, unless review finds deficiencies and additional investigation or corrective action is required.
20. Deposit all reviewed and approved Civil Citations in the appropriate collection box(es).

Commanding Officers

21. District Commanders shall designate at least one administrative staff member and/or property officer to oversee the administrative functions required by the civil procedures described in this policy.

Administrative Staff Member and/or Property Officer

As assigned by the District Commander, the Administrative Staff member shall:

22. Collect all Civil Citations that have been issued on a daily basis.

23. Record every Civil Citation on the appropriate transmittal form.
24. Make one copy of every Civil Citation.
25. Ensure the rank, name and sequence number of the issuing officer's supervisor is on the top right portion of the "City/Court Copy."
26. Deliver the "City/Court" copies of Civil Citations to RMS.

NOTE: Civil Marijuana citations go to staff review (See Policy 809, *Marijuana: Uniform Civil Citation*).

27. Forward original Incident Reports, Form 8 to the RMS in accordance with normal procedures.

Performance Standards Section – Audits & Inspections Units

28. The Audits & Inspections Unit shall conduct quarterly, random audits to ensure compliance with this policy and Policy 1018, *Lesser Offenses & Alternatives to Arrest*.

Staff Review, Records Management Section

RMS' Staff Reviewers shall:

29. Ensure that race/ethnicity data is:
 - 29.1. Entered into the RMS or is otherwise properly archived.
 - 29.2. Reported to the Maryland Statistical Analysis Center in accordance with §4-101.1 of the Criminal Procedure Article.
30. Produce quarterly and annual data reports on all citations issued for the following offenses:
 - 30.1. Obstructing, Hindering, or Resisting an Officer,
 - 30.2. Disorderly Conduct,
 - 30.3. Failure to Obey an Officer,
 - 30.4. Gambling,
 - 30.5. Making a False Statement to an Officer, and
 - 30.6. Misdemeanor Trespassing Offenses.
31. Quarterly and annual data reports shall be delivered to the Compliance Bureau.

Consent Decree Implementation Unit (CDIU), Compliance Bureau

32. The CDIU shall publish quarterly and annual data reports detailing Criminal Citations issued for the above-listed offenses.

RESCISSION

Remove and destroy/recycle Policy 808, *Criminal and Civil Citation Procedures*, dated 1 August 2016.

APPENDICES

- A. Civil Citation Example
- B. Sample Identification from Government and Non-Government Entities

ASSOCIATED POLICIES

Policy 711, *Domestic Violence*
Policy 809, *Marijuana: Uniform Civil Citation*
Policy 812, *Misdemeanor Shoplifting Arrest Procedures*
Policy 1018, *Lesser Offenses & Alternatives to Arrest*
Policy 1021, *Immigration Status*
Policy 1106, *Warrantless Arrest Procedures and Probable Cause Standard*
Policy 1110, *Protective and Peace Orders*
Policy 1112, *Field Interviews, Investigative Stops/Detentions, Weapons Pat-Downs & Searches*
Policy 1202, *Interactions with Youth*

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

APPENDIX A

Civil Citation Example

City of Baltimore
CIVIL CITATION
 WITNESS
 RELATED CITATION →

3Z39907276

Mayor and City Council of Baltimore
 vs. **Agency**

Baltimore City Police Department
 Agency Code is "AD"

Defendant's Name

Defendant's Name Last First Middle

Street Address & apartment number, if applicable

Current Street Address Apt. No.

City, State & Zip Code

City State Zip Code

Date of Birth, Height, Weight, Sex, Race, Hair, Eyes

DOB Height Weight Sex Race Hair Eyes

Acceptable Identification Number

Identifying Document Number:
 Telephone No(s): Day Night

Based on observation report investigation, the undersigned officer charges that the above named person on _____ at _____ A.M. P.M. at _____

Valid United States Postal Address including suffixes such as Ave, Lane, Road, Street, etc.

(Location where violation occurred)

Baltimore City, MD did _____
 (Narrative statement of cause for issuing citation)

Brief statement that supports why the citation was issued

Ex.
 1. Drinking 20 oz. can of Steel Reserve
 2. Threw Styrofoam food container onto Fayette Street
 3. Utilize ID belonging to Mr. Jack Jamison

Acceptable Document/Article Codes

****Actual Article Number – 1, 2, 7, 15, 19, 24, & 31**

****Fire Code – FC**

****Property Management Code – PMC**

****Health Code - HE**

Sub-Agency Code should coincide with the district/unit that the officer is permanently assigned. It's 4 digits and starts with "59" and ends with the 2 digits that match the officer's district/unit.

Ex. Central Records 5923
 Central District 5901
 Internal Affairs 5928

INSTRUCTIONS

You may pay a fine of \$ _____ within 30 days of the date Citation was issued and avoid trial. This will be deemed an admission of guilt and a trial date will not be set. See instructions on the reverse side of Citation.
OR
 You may elect to stand trial by making a written request for a trial date within 25 days of the date Citation was issued and the District Court will mail you a notice of your trial date and location. See instructions on the reverse side of Citation. At trial the Court may impose a fine of up to \$ _____

I solemnly affirm under the penalties of perjury, that the contents of this Citation are true to the best of my information, knowledge, and belief.

Officer's Signature: **AD** Officer's Printed Name: 410- Issue Date: -
 Agency (05/2011) **Sub-Agency** I.D. No. Phone

CITY / COURT COPY

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For a full list of City Charter & Code Offenses, consult Baltimore City Code Article 1, §41-14 here: <https://legislative.reference.baltimorecity.gov/city-codes>

