



Policy 808

Subject

CRIMINAL AND CIVIL CITATION PROCEDURES

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Page

1 of 9

By Order of the Police Commissioner

PURPOSE

This policy establishes guidelines governing the issuance of criminal and civil citations.

POLICY

It is the policy of the Baltimore Police Department to:

1. Issue criminal and civil citations without regard for the race, gender or ethnicity of the person to whom the citation(s) shall be issued.
2. Issue criminal citations in accordance with §4-101 of the Criminal Procedure Article.
3. Issue criminal citations only when a member is unable to identify an applicable civil violation with which to charge a citation-eligible suspect.
4. Collect, submit and analyze appropriate data as required by §4-101.1 of the Criminal Procedure Article.

DEFINITIONS

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

1. An identification presented by the suspect which the officer believes to be satisfactory evidence of his/her identity; or
2. An identification of the suspect 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; or, a military ID card. An officer’s prior knowledge of the suspect’s identity alone, without supporting documentation, is **not** considered to be acceptable ID.

Citation-Eligible Offense — A misdemeanor offense that may be enforced by either issuing a citation “on the scene” OR by making a custodial arrest. The following types of misdemeanors are considered to be citation-eligible:

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.
3. Possession of marijuana under §5-601 of the Criminal Law Article. (See Policy 809)

NOTE: If the quantity and circumstances indicate an intent to distribute marijuana, the suspect shall be arrested and charged under §5-602 of the Criminal Law Article.

NOTE: The most frequently charged criminal and civil offenses that are eligible for enforcement by citation are listed in Appendix A and Appendix B of this policy. For misdemeanor shoplifting incidents, the preferred method of enforcement is not to issue a criminal citation. (See Policy 812, Misdemeanor Shoplifting Arrest Procedures)

Eligibility Requirements — A suspect must meet all of the following requirements in order to be “eligible” to receive a criminal or civil citation:

1. The officer can obtain an acceptable ID from/of the suspect.
2. The officer reasonably believes that the suspect will comply with the citation.
3. The officer reasonably believes that issuing a citation does not pose a threat to public safety (i.e., the underlying offense for which the citation will be issued does not indicate a potential for additional disturbance or destruction by the suspect after the officer’s departure).
4. The suspect is not wanted on any outstanding warrant.
5. The suspect is not subject to arrest for a non-citation-eligible offense arising out of the same incident.
6. The suspect is compliant with all orders and instructions given by the officer.

If a suspect does not meet all of these eligibility requirements, he/she may not receive a citation on the scene and shall instead be arrested in accordance with departmental policy and procedure. Any associated Crime Incident Report and Statement of Probable Cause (SPC) must then include detailed information describing which of the eligibility requirements the suspect did not meet.

EXCLUDED OFFENSES

The following offenses may never be charged by citation:

1. Failure to comply with a peace order under §3-1508 of the Courts and Judicial Proceedings 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.
6. Abuse or neglect of an animal under §10-604 of the Criminal Law Article.
7. Any charge that is domestic violence-related.

SPECIAL CIRCUMSTANCES - SEARCH INCIDENT TO ARREST / NON-CONSENSUAL SEARCHES

Only a custodial arrest carries with it the automatic authority to conduct a search of the arrestee's person, garments and belongings.

If an officer intends to issue a criminal citation (in lieu of arrest) to a suspect "on the scene" and then allow him/her to depart the location after receiving the citation, there is no corresponding authority to conduct any type of search incident to arrest / non-consensual search.

Whenever an officer has probable cause to believe that a suspect has committed a citation-eligible criminal offense, and the officer further believes that a search of the suspect's person, garments or belongings will recover evidence related to that criminal offense, a criminal citation will not be issued and the suspect shall instead be arrested.

Nothing in this section shall be construed as restricting an officer's ability to conduct a lawful pat-down of a suspect. If an officer can articulate a reasonable articulable suspicion that a suspect may be armed and presents a threat to the safety of the officer and/or others in the vicinity, the officer may conduct a pat-down in accordance with departmental policy.

NOTE: All pat-downs must be documented in accordance with policy 1112, Field Interviews, Stops, Weapons Pat-Downs and Searches.

REQUIRED ACTION

Member – Criminal Citations

1. If a suspect is arrested for a citation-eligible offense, any associated Crime Incident Report and SPC must then include detailed information describing which of the eligibility requirements the suspect did not meet.
2. If a suspect has committed any combination of arrestable offense(s) and citation-eligible offense(s), the arrestable offense(s) shall take precedence and:
 - 2.1. The suspect shall be arrested in accordance with existing departmental policy; and
 - 2.2. The lesser included citation-eligible offenses shall be charged within the resulting statement of charges.
3. For both criminal and civil citations:

- 3.1. The suspect must be at least 18 years of age.
- 3.2. A warrant check/10-29 must be conducted in order to verify that the suspect has no outstanding warrants.
- 3.3. The suspect must be identified via some form of acceptable ID.

NOTE: If the suspect cannot be identified with an “acceptable ID” as defined in this policy, he/she is not eligible to receive a citation and shall be arrested and charged according to existing departmental policy.

- 3.4. If the suspect’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 Crime Incident Report that will be completed.
- 3.5. Complete the citation by filling in all applicable/required boxes.
- 3.6. The suspect must sign the citation.

NOTE: If the suspect refuses to sign, inform him/her that failing to sign can lead to his/her arrest (as refusing to sign indicates non-compliance; see Eligibility Requirement No. 6).

4. Multiple citations may be issued, but only one offense may be charged per citation.
 - 4.1. Multiple citations shall be “looped” in the same fashion as when multiple traffic citations are issued to the same motorist.
5. All citations and related reports must be submitted to your supervisor before the end of your tour of duty.

Member - Criminal Citations

1. Criminal citations will always require an accompanying Crime Incident Report.
2. Include the citation number(s) on the first line of the Crime Incident Report’s narrative.
3. Write an SPC on the reverse side of the “State’s Attorney” copy that includes enough detail(s) to establish the elements of the offense charged on the citation.

NOTE: For multiple “looped” citations, only one statement of probable cause is necessary, provided it includes sufficient details to establish the elements of all charged offenses. Any remaining citation(s) must then contain a statement in the probable cause section referring to the other citation(s) (e.g., “See companion citation number…”).

4. Additional information related to the investigation (but not required to establish the elements of the offense charged on the citation) may be documented in the narrative of the Crime Incident Report only.
5. Include the central complaint (CC) number of the accompanying Crime Incident Report within the citation’s SPC.

Member - Civil Citations

1. In general, Baltimore City civil citations do not require a Crime Incident Report from the issuing officer.

NOTE: The only occasion on which a Crime Incident Report will be required with a civil citation is one in which evidence is recovered/seized (i.e., a civil citation is written for a ticket-scalping offense and the ticket(s) must be recovered or civil CDS, see Policy 809).

2. Insert a fine amount where required in the section of the citation entitled "INSTRUCTIONS."
3. Write a concise narrative of the facts where indicated on the front of the citation's "City/Court Copy."

Supervisor – General

1. Monitor the enforcement decisions made by a subordinate who is investigating a citation-eligible offense.
2. Review every criminal or civil citation issued by a subordinate to ensure that:
 - 2.1. The suspect was identified through some form of acceptable ID.
 - 2.2. If the acceptable ID contained a unique identifying number, that number has been recorded in the appropriate locations.
 - 2.3. A warrant check/10-29 was conducted in order to verify that the suspect had no outstanding warrants.
3. Deposit all reviewed and approved citations in the appropriate collection box(es).
4. Sign all citations at the right portion of the document

Supervisor - Criminal Citations

1. EVERY criminal citation must have an accompanying Crime Incident Report.

NOTE: Multiple citations issued to the same suspect during the same incident may be documented together in one single Crime Incident Report.

2. Ensure that:
 - 2.1. There is an SPC on the back of the "State's Attorney" copy;
 - 2.2. The SPC contains the CC number of the accompanying Crime Incident Report;
 - 2.3. The SPC establishes the elements of the offense that has been charged on the citation; and
 - 2.4. The narrative of the accompanying Crime Incident Report contains the citation

number(s) for all citation(s) issued to the suspect.

3. Certify that you have reviewed every criminal citation by approving its accompanying Crime Incident Report.
4. Whenever a subordinate arrests a suspect and charges him/her with a citation-eligible offense, review the resulting Crime Incident Report and SPC in order to verify that:
 - 4.1. The suspect did not meet the eligibility requirements; and
 - 4.2. BOTH the Crime Incident Report and the SPC contain sufficiently detailed information explaining or describing why:
 - 4.2.1. A citation would not have abated the problem; or
 - 4.2.2. Why the suspect was not eligible for a citation.

Supervisor - Civil Citations

1. Ensure there is a concise narrative of the facts that led to the issuing of the citation on the front of the "City/Court Copy."
2. Certify that you have reviewed every civil citation issued by a subordinate by adding your rank, name and sequence number to the top right portion of the "City/Court Copy."

Commanding Officer

1. Designate at least one administrative staff member and/or property officer to oversee the administrative functions required by the criminal and civil citation procedures described in this policy.

Administrative Staff Member and/or Property Officer

1. Collect all citations that have been issued by your command on a daily basis.
2. Record every citation on the appropriate transmittal form.
3. Make one copy of every criminal and civil citation.
4. For criminal citations:
 - 4.1. Every criminal citation MUST have an accompanying Crime Incident Report.
 - 4.2. A copy of the Crime Incident Report and contact sheet must be stapled to the "State's Attorney" copy before it and the Court copy are forwarded.
 - 4.3. Criminal citations shall be delivered daily to RMS.
5. For civil citations:

- 5.1. Every civil citation must have the rank, name and sequence number of the issuing officer's supervisor on the top right portion of the "City/Court Copy."
- 5.2. "City/Court" copies of civil citations shall be delivered RMS

NOTE: Civil CDS citations go to staff review (See Policy 809)

6. Original Crime Incident Reports shall be forwarded to the Information Services Unit in accordance with normal procedures.

Police Liaison, Baltimore Central Booking and Intake Facility (CBIF)

Ensure that arresting officers are notified of "convert-to-citation" decisions made at CBIF.

Director, Information Services Unit

1. Ensure that race/ethnicity data is:
 - 1.1. Entered into the Records Management System (RMS) or is otherwise properly archived.
 - 1.2. Reported to the Maryland Statistical Analysis Center in accordance with §4-101.1 of the Criminal Procedure Article.

RESCISSION

This policy shall supersede all previous departmental policy and procedure governing the issuance of criminal and civil citations. Remove from files and destroy/recycle General Order H-8, *Civil and Criminal Citation Procedures*, dated 7 March 2006, including any/all amendments as well as Baltimore Police Training Guideline, *Update to Criminal and Civil Citation Policy*, dated 21 December 2012.

APPENDICES

- A. Most Frequently Charged Citation-Eligible Misdemeanors
- B. Most Frequently Charged Civil Violations

ASSOCIATED POLICIES

Policy 809, *Marijuana: Uniform Civil Citation*
Policy 812, *Misdemeanor Shoplifting Arrest Procedures*

COMMUNICATION OF POLICY

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

REFERENCES

1. District Court of Maryland: District Court Commissioner's Manual
2. Laws of Maryland - 2012 Session: Chapters 504 and 505
3. Maryland General Assembly, Department of Legislative Services: Code of Public General Laws
4. Mayor and City Council of Baltimore, Department of Legislative Reference: Baltimore City Code

APPENDIX A**MOST FREQUENTLY CHARGED CITATION-ELIGIBLE MISDEMEANORS**

STATUTE	CHARGE DESCRIPTION	CHARGE	PENALTY	FINE
CR 5-619(c)(1)	CDS:POSSESSION OF PARAPHERNALIA	MISDEMEANOR	0	\$500
CR 10-201(c)	DISTURBING THE PEACE	MISDEMEANOR	60 DAYS	\$500
CR 7-104	THEFT LESS THAN \$100.00	MISDEMEANOR	90 DAYS	\$500
CR 6-402	TRESPASS ON POSTED PROPERTY	MISDEMEANOR	90 DAYS	\$500
CR 6-301	MAL DEST PROPERTY HAVING VALUE LESS THAN \$500	MISDEMEANOR	60 DAYS	\$500
CR 3-803	HARASSMENT - COURSE OF CONDUCT	MISDEMEANOR	90 DAYS	\$500
CR 10-110(c)	LITTERING - LESS THAN 100 LBS / 27 CU. FT.	MISDEMEANOR	30 DAYS	\$1500
2B 19-101	INTOX PERSON ENDANGER OTHERS OR CAUSE DISTURBANCE	MISDEMEANOR	90 DAYS	\$100
2B 19-202	CONSUME ALC BEV ON RETAIL PROPERTY WHEN PROHIBITED	MISDEMEANOR	0	\$100
FL 5-801	CONFINE UNATT CHILD UNDER 8 IN CAR, BLDG, ETC.	MISDEMEANOR	30 DAYS	\$500

Source: Maryland General Assembly, Department of Legislative Services: Code of Public General Laws. Specific charging language and CJIS codes may be found in the District Court Commissioner's Manual.

APPENDIX B**MOST FREQUENTLY CHARGED CIVIL VIOLATIONS**

CODE	CHARGE DESCRIPTION	FINE
CITY CODE, ART. 19, SEC. 13-1	DISORDERLY DRINKING	\$500
CITY CODE, ART. 19, SEC. 14-2	OPEN CONTAINER IN PUBLIC PLACE OR VEHICLE	\$250
CITY CODE, ART. 19, SEC. 25-1(b)*	LOITERING - GENERAL CHARGE*	\$50
HEALTH CODE, TITLE 5, SEC. 5-501	SPITTING	\$100
HEALTH CODE, TITLE 5, SEC. 5-503	URINATING OR DEFECATING IN PUBLIC	\$500
HEALTH CODE, TITLE 7, SEC. 7-701*	LITTERING (LESS THAN 1 POUND/1 CUBIC FT.)*	\$500

A full list of civil violations may be found in the Baltimore Police Department's Training Guideline entitled "Civil Citations - Extended List of Violations."

*Members are reminded that Quality of Life offenses such as loitering and littering must be enforced in accordance with Police Commissioner's Memorandum 13-10, "Quality of Life Offenses - Core Legal Elements."