



VOIDING TRAFFIC CITATIONS

INDEX CODE: 1937.B
EFFECTIVE DATE: 02-11-15

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I. VOIDING A MARYLAND UNIFORM COMPLAINT AND CITATION *OR ELECTRONIC CITATION (E-Tix)*

A. Policy

It is the policy of the department that employees of the department may not void traffic citations unless the procedures outlined in this directive are met.

B. Issued Traffic Citations

The Maryland Transportation Article addresses the disposition of issued traffic citations as follows:

"Disposition of citations filed with court - after the original copy of the traffic citation is filed with the District Court, the citation may be disposed of only by:

- 1. Trial, dismissal of the charges, or other official action by a judge of the court;
- 2. Forfeiture of the collateral, if authorized by the court; or
- 3. Payment of a fine by the person to whom the traffic citation has been issued." (Section 26-407(c))

"No police officer or other public employee may dispose of a traffic citation, its copies, or the record of the issuance of a traffic citation in any manner other than as required by this section and the rules and regulations adopted by the Administration." (Section 26-407(g)) "In addition to being unlawful, a violation of this subsection constitutes official misconduct. A person may not cancel or solicit another to cancel a traffic citation in any manner other than as provided in this subtitle." (Section 26-408)

Officers should note that electronic citations (E-tix) are immediately transmitted to the courts upon completion/submission of a stop in the E-tix system. Charges will appear in the system even if a paper copy is not printed or issued. Officers needing to void an electronic citation must contact the Office of the State's Attorney to have the charges Nolle Prosequi. Requests must be sent to the Maryland State Police via the Anne Arundel County Police agency Delta+ Administrator (Technology Section) to have data removed from the MSP computer servers. The Maryland State Police holds final authority on when to remove data, and in general, erroneous charges that were entered Nolle Prosequi will not be removed without an expungement order.

C. Disposition of Non-Issued Maryland Uniform Complaint Citations

Once a traffic citation has been completed and issued by an officer, it will not be voided by the Police Department. If the citation has not yet been issued to the defendant (the defendant may have signed it), the following procedure will be used:

- 1. The officer will submit a memorandum to his/her commanding officer stating the reason for requesting a particular citation be voided. The memorandum, attached to the citation, will be forwarded to the district/division commander through the chain of command. (The citation must contain the void date in the "violation date" area, and all officer information must be entered. The officer must sign the citation, and

"VOID" must be written across the citation. The officer's signature must be placed in the appropriate block, NOT across the face of the citation.

2. The commander will review the request, initial the memorandum and forward both documents to the Central Records Section.
3. The Central Records manager will review the documents, ensure the citation number is entered on the citation transmittal form, and the original copy and #4 copy are forwarded to the Judicial Information System. Copies of voided citations, along with attached explanatory correspondence will be retained by the Central Records Section in accordance with their retention schedule as established by the Central Records manager.
4. If an officer makes an error while writing a citation and the violator's copy has been given to the defendant, the citation must follow normal procedure and be disposed of in open court. It may not be voided. The State's Attorney, on the day of the trial in open court, may amend, or may dismiss the citation.
5. If the officer realizes the mistake before the violator is released, he/she may issue the violator a separate citation in the correct form. Otherwise, the officer will re-charge the violator in court following disposition of the original citation.
6. Upon separation from the department, an officer must turn in all assigned citation books to the Central Records Section.

II. PROPONENT UNIT: Central Records Section.

III. CANCELLATION: This directive cancels Index Code 1937.B, dated 11-19-08.