



TRAFFIC CITATIONS - THE MARYLAND UNIFORM COMPLAINT AND CITATION

Directive: 14 – 101

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I. PURPOSE

The purpose of this Directive is to provide guidelines on the issuance, submission and disposition of Traffic Citations.

II. POLICY

MCP Police Officers may charge violators of Maryland Vehicle Law by issuing a Maryland Uniform Complaint and Citation. MCP Employees will issue and process traffic citations in accordance to the procedures set forth in this Directive.

III. PROCEDURES FOR CITATION CONTROL

A. Responsibilities:

1. Special Services Division will:

- a. requisition Uniform Complaint and Citation Books from the Motor Vehicle Administration;
- b. stock citation books for MCP use;
- c. issue citation books to Detachments and record the control number for each book received and the date received on a Form 155, Citation Book Issuance Control Ledger; and

2. Each Detachment Commander will:

- a. have overall responsibility for citation control in his unit;
- b. designate an employee under their command as the Citation Control Supervisor;
- c. conduct periodic audits to ensure that proper citation control is being maintained.

3. Citation Control Supervisors will:

- a. verify the numerical sequence on the citation books when received;
- b. prior to issuing any books, record date received on a Form 155;
- c. maintain a supply of citation books to meet the needs of the Division;

- d. issue citation books in numerical sequence;
- e. when issuing a citation book, record the required information on the Form 155;
- f. file each Form 155 as completed and forward a copy of the completed Form 155 to SSD;
- g. submit the "Receipt Card" to the MVA, Driver Records Section.;
- h. retain all "Tally Sheets" locally;
- i. ensure daily transmittal forms are delivered to the district court; and
- j. maintain a record of disposition of every traffic citation issued and listed on the tally sheet as required by the Transportation Article §26-407(e).

B. Issuance of New Citation Books

- 1. Upon receipt of a new citation book, Police Officers will:
 - a. complete the "Receipt" card and "Tally" sheet; and
 - b. submit the Receipt Card and Tally Sheet attached to the citation books to his immediate supervisor.
- 2. Immediate supervisors will submit the:
 - a. Receipt Card to the citation control supervisor for submission to the Driver Records Section, Motor Vehicle Administration.
 - b. Tally Sheet to the citation control supervisor to be retained locally.

C. Traffic Citation Tally Sheets

- 1. Citation Control Supervisors will:
 - a. complete the Tally Sheet as citations are received;
 - b. place his initials in the "Remarks" column; and
 - c. file each Tally Sheet in a binder according to the Police Officer's name.

D. Daily Transmittal of Citation Forms

- 1. Citations issued by Detachments within a 24-hour period will be recorded on the Transmittal Form in numerical sequence by the Citation Control Supervisor.
- 2. After the Citation Control Supervisor has recorded the citations and signed the transmittal sheet, he will submit the following to the district court:
 - a. the original plus copies #2, #4 and #5 of the Transmittal Form; and
 - b. the court copy of the citation.
- 3. The officers making the delivery to district court will have the daily transmittal sheet signed by the court employee accepting the traffic citations.
- 4. The court retains the original and copies #2 and #4 of the daily transmittal sheet.

5. Copy #5 of the daily transmittal sheet is returned to the Detachment.

E. Filing and Retention

1. The following will be filed locally at the Detachment:
 - a. the Law Enforcement Copy of the citation; and
 - b. copy #3 of the Daily Transmittal Form;
2. When all 25 citations in a book have been accounted for, the tally sheet will be filed locally.

F. Disposition of Citations Upon Resignation or Retirement

1. Unissued traffic citations assigned to a Police Officer who resigns or retires will be immediately forwarded, with a letter, to SSD, for transmittal to MVA; note "Forwarded to SSD" next to the citation number on the tally sheet.

G. Disposition of Citations for Inter-Departmental Transfers

1. For transfers that require a change in a unit code, all unissued traffic citations will remain with the Officer being transferred.
2. Record the notation "Transferred to (name of unit)" and the date transferred next to the last issued citation number on the tally sheet.
3. The originating unit will maintain a copy of the tally sheet for its records and send the original Tally Sheet and a copy of the Transmittal Form to the Officer's new assignment.
4. The Citation Control Supervisor at the new assignment will receive the original Tally Sheet and Transmittal Form.
5. Citation Control Supervisors will forward the Tally Sheet to CRD, Citation Control Unit, when all citations in a book have been issued.

H. Disposition of Citations Filed with Court

1. After the original copy of the traffic citation is filed with the District Court, the citation may be disposed of only by:
 - a. Trial, dismissal of the charges, or other official action by a judge of the court;
 - b. Forfeiture of the collateral, if authorized by the court; or
 - c. 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)

2. 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.

I. Disposition of Non-issued Citations

1. If the citation has not yet been issued to the defendant (the defendant may have signed it), the following procedure will be used:
 - a. The officer will submit a Form 17 to their commanding officer stating the reason for requesting a particular citation be voided. All remaining copies of the citation will be attached to the Form 17.
 - b. 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 in the appropriate block, and "VOID" must be written across the citation.
2. The commander will review the request, and forward both documents on a Routing Slip (Form 145) to the SSD.
3. The Commander, SSD 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.
4. 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.

J. Disposition of Citations Issued to Defendants

1. 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.
2. If the officer realizes the mistake before the violator is released, he/she may issue the violator a separate citation in the correct form and follow the procedures outlined above to have the citation voided.

IV. PROCEDURES FOR CITATION ISSUANCE

A. Witness Summons

If there is to be a witness summoned, check the witness box and complete information on the reverse side of the number one copy. Indicate a complete mailing address for each witness listed, including telephone number with area code if available. If requesting that a police officer be summoned, use the complete mailing address for the appropriate Detachment. The agency and sub-agency is not sufficient. Enter witnesses on ALL related citations if they should be summoned. Entry of a witness on only one of the related citations will result in issuance of summons to the witness for the single citation only.

B. Related Citations

If there are related citations - check "Related Citation" and write the related citation number in designated area. To loop correctly, on the first citation issued, enter the citation number of the second citation; then enter the number of the third citation issued on the second citation; and so on, until the last citation is issued. On the last citation issued write the number of the first citation issued.

For Example:

Citation 4364097 - write 4364098 as related citation
Citation 4364098 - write 4364099 as related citation
Citation 4364099 - write 4364097 as related citation

When issuing multiple citations, "Must Appear" citations should be written first, followed by payable citations.

C. Driver's License

Enter the number of the defendant's driver's license, including license class and state of issuance. If the defendant has no license number, enter "None." Do not leave it blank. On Maryland licenses make sure that the first letter corresponds with *the first letter of the last name*.

D. Defendant's Name

Enter the defendant's FULL first, middle, last name, and suffix as it appears on the license, including hyphens. If a non-resident license indicates only initials for the first or middle name, inquire as to given name and record the full name, not just the initial.

E. Defendant's Address

Enter the defendant's street address, box number, apartment number, city, county, state, zip code, etc. Do not use "No Fixed Address." Enter the CURRENT address if different from the address shown on the license. Inform the defendant to notify both the District Court and the MVA of any change of address. (You may enter the address shown on the license, if different from the current address, on the reverse side of the #1 copy together with defendant's name. Thus, the defendant will receive notices at two addresses. For any name/address items listed on reverse side, check witness box to alert data entry clerks.)

F. Descriptive Information

Enter the height, weight, race, sex, and birth date of the defendant. Record the FULL date of birth (month-day-year). If the license indicates only a month and year for the birth, as some states do, inquire as to the day of birth. Without full date of birth no conviction information will be applied to driver record. Enter the defendant's telephone number including area code.

G. Race Codes

Use the following codes for race and enter:

- 1 - Black, African American
- 2 - White, Caucasian, Asiatic Indian, and Arab
- 3 - Asian, Native Hawaiian, Other Pacific Islander
- 4 - American Indian, Alaska Native
- 5 - Unknown/Other

H. Vehicle Information

1. Vehicle License No., State

Enter the vehicle registration number and state of issuance. If the vehicle displays no registration, enter "none." If the vehicle stopped was a bicycle or moped, enter "Bicycle" or "Moped".

2. Vehicle Year, Make, Model, Type, and Color of vehicle. The vehicle type should be listed as indicated **below**:

- 01 MOTORCYCLE
- 02 AUTOMOBILE
- 03 STATION WAGON
- 04 LIMOUSINE
- 05 LIGHT DUTY TRUCK
- 06 HEAVY DUTY TRUCK
- 07 TRUCK/ROAD TRACTOR

- 08 RECREATION VEHICLE
- 09 FARM VEHICLE
- 10 TRANSIT BUS
- 11 CROSS COUNTRY BUS
- 12 SCHOOL BUS
- 13 AMBULANCE/EMERGENCY
- 14 AMBULANCE/NON-EMERGENCY
- 15 FIRE VEH/EMERGENCY
- 16 FIRE VEH/NON-EMERGENCY
- 17 POLICE VEH/EMERGENCY
- 18 POLICE VEH/NON-EMERGENCY
- 19 MOPED
- 20 COMMERCIAL RIG
- 21 TANDEM TRAILER
- 22 MOBILE HOME
- 23 TRAVEL/HOME TRAILER
- 24 CAMPER
- 25 UTILITY TRAILER
- 26 BOAT TRAILER
- 27 FARM EQUIPMENT
- 28 OTHER
- 29 UNKNOWN

I. Violation Date and Time

Enter numerically the month, day, and year of violation. Enter the time and mark block for A.M. or P.M. (Do not use military time).

J. Special Indicator Blocks

Check all special indicator blocks that are applicable *and/or mandated by Federal Law. Federal Law requires a response of Yes or No for Hazmat, Commercial Vehicle and CDL License questions on all citations.*

1. P.I., P.D., Contributing to Accident, Safety Belts

If the defendant contributed to an accident, check Contributing to Acc., indicate personal injury and/or property damage accident. If required safety belts were in use check Safety Belts. In the PI block, indicate the seriousness of the injury using one of the codes shown below:

- a. No bodily injury
- b. Possible bodily injury
- c. Personal Injury
- d. Serious bodily injury
- e. Fatal

2. Hazardous Material (HAZMAT)

A Yes or No response is mandatory. If the vehicle is placarded or required to be placarded for hazardous materials, it is a commercial motor vehicle. Check Yes to Hazmat and check Yes to Comm. Vehicle.

3. Commercial Motor Vehicles

A Yes or No response is mandatory. Commercial Motor Vehicles Are: (check Yes)

- a. All vehicles with gross weight (GVW) of 26,001 or more pounds
- b. All vehicles with gross combination weight (GCW) of 26,001 or more pounds
- c. Bus designed to transport 16 or more people (including driver)
- d. Any vehicle towing trailer with GVW over 10,000 pounds
- e. Any vehicle required to have HAZMAT placard

Commercial Motor Vehicle Exceptions: (check No)

- a. Recreational vehicles (campers, travel trailers, boat trailers)
- b. Fire and rescue vehicle
- c. Vehicle owned and operated by a farmer within 150 miles of farm
- d. Department of Defense - with active duty military driver

4. Commercial Driver License (CDL)

Does driver have a commercial driver license?

A Yes or No response is mandatory.

5. Fatal Accident

If the defendant contributed to an accident which resulted in a fatal injury.

6. A/R Suspended / Revoked

If the license of the defendant was suspended or revoked for an alcohol offense.

K. Location of Offense

Record the precise location of the violation and make sure NOT to use the location of the stop, if different. Include the name of the county: (Do not use county code number.)

L. County Code, Area

1. Record the county code number
2. Record the POST number

M. Arrest Type

1. Record the appropriate code to reflect the precise type of enforcement. All codes are listed on the inner flap of the citation book and collateral book.
2. When using Radar/Lidar for enforcement, enter the unit number next to the Arrest Type code.

N. DOT Number

Enter vehicle Department of Transportation number when issuing citation for violation of DOT regulations.

O. Pre-Printed Violations

If the violation charged to the defendant is of a section of the law printed on the citation, circle that charge. Do not write a narrative or description in the space available for writing a charge, as it will not be entered if a charge has been circled. The system will consider this to be a second charge and two charges cannot be entered for one citation. You may circle only one charge.

P. Write-In Violations

Use the Collateral Book, DC/CR 90, for proper charge Article, Section, wording and Fine Schedule. If the violation is NOT printed on the citation, determine if the charge is a violation of:

1. Transportation Article (Motor Vehicle Law) *is noted by checking* the box "TA."
2. Business Regulation Article is noted by checking the box "BR."
3. A violation of a local ordinance or public local law is noted by checking the box "LO."
4. Maryland Regulation *is noted* by checking the box "MR."

Maryland Regulation (MR) violations are generally not identified by a title and/or subtitle, but merely by a section and/or paragraph number. This reference is to be indicated in the area normally utilized to specify the subtitle/paragraph. You must also enter the written charge.

Example of a Maryland Regulation:

"397.11a Motor Vehicle containing hazardous materials being operated near an open fire."

Check box "MR" and write "397.11" under subtitle and "a" under paragraph.

MANY CHARGES IN THE SCHEDULE CONTAIN WORDS WITHIN PARENTHESES. EACH WORD OR SET OF WORDS THEREIN SEPARATED BY COMMAS IS AN OPTION. WHEN COPYING THE CHARGE ONTO THE CITATION, YOU MUST

SELECT FROM THESE OPTIONS THE WORD(S) THAT REFLECT THE APPROPRIATE SPECIFICS ABOUT THE OFFENSE.

Examples:

"13-112 e (Sale, Purchase) of used vehicle not title certified and registered." Choose either "Sale" or "Purchase" to indicate the nature of the offense.

"13-411 g (Displaying, Permitting to be displayed) reg. plate(s) issued (for other vehicle, to other person)." There are two requirements for this choice - "displaying" or "permitting to be displayed" and "for other vehicle" or "to other person."

Q. Pre-Payable Fine

1. Check Schedule of Pre-Set Fines (DC/CR 90) established by the District Court of Maryland for the proper fine, which includes costs. Check the box next to the corresponding Fine amount. If the fine amount is not printed on the citation, check the box next to "Other" and write in the correct fine amount.
2. BE CERTAIN OF THE FINE AMOUNT. The court will notify the defendant of any overpayment or underpayment. If the violation is a "MUST APPEAR" (MA), do not enter a pre-payable fine amount.

R. Notice to Appear

If the charge requires the defendant's appearance in court check the block "You must appear for trial..." Only charges that provide for a possible term of incarceration are "Must Appear." If the charge is payable check the block "You have the right to stand trial..."

S. "Must Appear" Charge

When a defendant is charged with a violation, which includes the possibility of incarceration, and the defendant will not be taken before a District Court Commissioner, or an arrest could be made, and the defendant is not going to be taken to a District Court Commissioner, the green District Court of Maryland, form L07-4 will be provided to the defendant.

T. Officer's Signature

The charging officer must sign the citation in the first half of the "Officer's Signature" line. In the second half of the line, the officer will legibly print his/her last name.

U. Court/Agency/Officer Codes

1. Annapolis District Court:

DISTRICT	07
NO.	01

2. Baltimore District Court:

DISTRICT	24
NO.	(Multiple)

3. AGENCY: MDCP

SUB-AGENCY:

Annapolis	001
Baltimore	002

4. ID NO: Individual Officer's ID Number

V. Radar/Breathalyzer Operators

1. If a Radar Operator is required to appear as a witness for the charge, use this section to summons the officer. Enter the officer's name and proper codes. If the officer is with a different agency, use the witness summons form.
2. DO NOT use this section to summons a Breath Test operator. Breath Test results are admissible without the presence of the Operator. The Operator is only required to attend court when summoned by the Defense.

W. Defendant's Signature

1. Request the defendant sign the citation and explain that the signature does not imply an admission of guilt, but only serves to acknowledge receipt of the citation and the defendant's promise to appear for trial or pay the fine.
2. Except as delineated below, the defendant is required to sign at the line marked "X." If the defendant refuses, you may charge defendant with refusing to sign. If or when a citation is completed charging the defendant with refusing to sign a citation when requested by a police officer, then the defendant may be placed under arrest in the same manner as, and without more force than in a misdemeanor case.
3. If the driver has been arrested for a Must Appear violation of the Motor Vehicle Law (DUI, Suspended, etc.) and refuses to sign the citation(s), he/she cannot be charged for refusing to sign the citation when requested by a police officer, but must be presented to a District Court Commissioner.

4. A defendant's signature is not required when issuing a citation for the following:
 1. The defendant is incapacitated or otherwise unable to comply.
 2. Citation is issued to unattended vehicle for violation under section 21-1003 (parking violation).
 3. Citation is issued to unattended vehicle for violation of section 13-402 (parking unregistered motor vehicle).