



# MARYLAND UNIFORM COMPLAINT AND CITATION

FC No.: 533

Date: 12-23-08

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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## I. Policy

It is the policy of this department to adhere to Motor Vehicle Administration (MVA) regulations and state laws pertaining to the issuance and use of Maryland Uniform Complaint and Citations. ***All citations must be accounted for. Officers will not destroy or dispose of any citation in any manner inconsistent with State law.*** Officers appearing in court, who are unable to proceed for any reason other than the failure of witnesses to appear, will submit a memorandum to the Chief of Police, via the chain of command, indicating the reason(s) for their inability to proceed.

## II. Citation Accountability

### A. Central Supply Section Responsibilities

The Central Supply Section will provide citation books to personnel assigned accounting responsibility from each district/unit. The Central Supply Section will maintain a written record of all citation books released and will forward this information to the MVA.

### B. Supervisor's Responsibilities

Personnel assigned accounting responsibility at the district/unit level will provide citation books to supervisors. Supervisors will keep unissued citation books in a locked cabinet within their office and will issue citation books to officers under their command.

C. **Officer's Responsibilities**

*Each citation book issued to an officer will only be used by that officer. Any unused citations will be turned in to be voided. (Refer to section XII).*

D. **Jurisdiction Codes**

Jurisdiction codes are as follows:

- 7502 2D, Bethesda
- 7503 4D, Wheaton
- 7504 1D, Rockville
- 7505 3D, Silver Spring
- 7506 5D, Germantown.
- 7571 6D, Montgomery Village

E. **District Station Responsibilities**

*Each district commander will ensure a copy of every citation is maintained at the district station for a period of three years from the date of issue. This includes citations issued by officers assigned to that station and by any other MCP officers who received their citation books from that station.*

F. **MVA Transmittal Sheet**

Personnel assigned accounting responsibility for citations will list all citation numbers, including voided citations, on a transmittal sheet supplied by the MVA. The **complete citation numbers** will be written on the transmittal form. The employee completing the logging procedure will sign the transmittal sheet and:

1. Separate the #3 transmittal form copy from the packet and file at the district/unit.
2. Within 24 hours of issuance, forward the remaining copies of the transmittal form along with the court copies of the traffic citations to: **District Court of Maryland, Attn: M.A.T.S., 2661 Riva Rd., #900, Annapolis, MD 21403. Once there, the citations will be compared** with the transmittal sheet for any discrepancies. After the transmittal sheet is verified as being correct, they will sign and date the #5 copy and return it to the district/unit verifying receipt of the citations.

G. **Distribution of Citation Copies**

*Copies of issued citations will be distributed as described in Appendix A.*

III. **Juvenile Traffic Offenses**

A. **Form to Use**

All traffic citations issued to juveniles will be written on the Maryland Uniform Complaint and Citation.

B. **Incarcerable Offenses**

Officers issuing traffic citations for incarceration offenses (Appendix B) to persons under the age of 18, or any traffic citation to any person under the age of 16, will clearly mark the top of this citation, and all related citations, with the letters "JUV." Note the circumstances of the incident (e.g. probable cause, defendant attitude, etc.) on an MCP 102, "Continuation Report," in sufficient detail to enable disposition recommendation, then attach the MCP 102 to the back of the court copy.

C. **Distribution**

These citations will be segregated from the adult citations and will be distributed as follows:

1. **The court copy(s) of** citations for incarceration offenses written to a person 16 years of age but under 18 years of age should be sent to the SAO, Juvenile Court Administrator, under a separate court transmittal sheet clearly marked "JUVENILE."
2. Citations written to a person under the age of 16 should be sent to the Maryland Department of Juvenile **Services**, Rockville Office, under a separate court transmittal sheet clearly marked "JUVENILE."

**Note: Attach any related report to the citation. If there is no report, include sufficient detail on the citation to enable a disposition recommendation.**

- D. Citations marked “JUV” will be entered in the District Court’s computer only by the citation number with the notation “JUVENILE.”

#### **IV. Instructions for Completing the Citation**

All applicable blocks on the citation must be completed accurately and legibly. Officers will follow instructions found in the District Court of Maryland’s “Fine or Penalty Deposit Schedule” (DC/CR 90). Additionally, below the “Officer Signature” block, the following codes will be used:

DISTRICT:	6	
NO.:	1	Rockville District Court
	2	Silver Spring District Court
AGENCY:	MCP	
SUB-AGENCY:	R15	1D, Rockville
	B15	2D, Bethesda
	SS15	3D, Silver Spring
	WG15	4D, Wheaton
	G15	5D, Germantown
	M15	6D, Montgomery Village

Officers assigned to headquarters will continue to utilize sub-agency code “R15.”

#### **V. Must Appear Violations by Maryland Residents**

***A resident violator, who commits a serious, must appear violation, i.e. DWI, Hit-and-Run, Fleeing-and-Eluding, Driving on Revoked or Suspended License, should be taken to a Commissioner if the officer has reason to believe the violator may not appear in court.***

#### **VI. Non-Resident Violator Compact**

##### **A. Reciprocal Agreements**

A reciprocal agreement between most states, including Maryland, concerning the issuance of traffic citations to non-residents for traffic violations has been established (states are listed on the inner flap of the citation book).

##### **B. Issuing Citations to Non-Residents**

Under the provisions of the ***reciprocal*** agreement, a non-resident is entitled to receive a traffic citation and acknowledge receipt by signature to the same extent as is a Maryland resident, with some exceptions. A non-resident ***is not entitled to acknowledge receipt of a traffic citation by signature, and should be taken to a commissioner*** if the person:

1. Does not possess a valid driver’s license from the state where the person resides.
2. Commits any violation for which a conviction or forfeiture of collateral would require the revocation of the motorist’s license under Maryland law.
3. Is charged with a weight limit violation.
4. Is charged with a parking violation.
5. Is charged with any violation pertaining to the transportation of hazardous materials.
6. Commits an offense for which an issuance of a citation in lieu of a hearing or posting of collateral or bond is prohibited by law.

C. Violators from Non-Reciprocity States

When a citation is issued to a violator from a non-reciprocity state, *the violator should be taken to the Commissioner*. The issuing officer *will not* have the violator sign the citation. The issuing officer will fill out a DC/CR 4, "Statement of Probable Cause." *All of the documents will be submitted to the commissioner.*

**VII. Second or Subsequent Violations Following Previous Convictions Under Section 27-101, Transportation Article**

If an officer charges a person with a violation having increased penalties for subsequent convictions (Appendix B), the officer will check the individual's driving record. If the record lists a previous conviction for the same violation that is presently pending, the officer will forward a department computer printout (including the date) or a certified copy of the driving record to the State's Attorney's Office (SAO) along with an MCP 562, "Repeat Offender Notification". No further action is required of the officer.

**VIII. Traffic Collisions Involving Incarcerable Traffic Violations**

When an individual is charged with an incarcerable traffic violation (Appendix B) as a result of a traffic collision, the officer will forward, via inter-office mail, a copy of the "State of Maryland Motor Vehicle Accident Report, MSP 1," and any subsequent supplement reports to Traffic Intake, SAO.

**IX. Issuance of Traffic Citations to Legislators and Military Personnel**

At the officer's discretion, a legislator, at any level of government, or a member of the United States Armed Forces may be issued a traffic citation. No special processing requirements are necessary in these cases. An officer should make every reasonable effort to expedite the issuance of a citation to a legislator who claims to be enroute to cast a particularly important or significant vote.

**X. Fictitious or Altered MVA Documents**

Any officer investigating or charging a person with possession of a fictitious or fraudulently altered license or other MVA document will contact one of the MVA investigators listed in Appendix A.

**XI. Disposition of Citations**

A. The Maryland Transportation Article states:

1. Section 26-407(b):

*"Each police officer who issues a traffic citation to an alleged violator of any State or local law shall:*

*(1) File the original copy of the citation promptly with the District Court; and*

*(2) Dispose of the other copies of the citation in accordance with the rules and regulations adopted by the Administration."*

2. Section 26-407(c):

"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."

3. Section 26-407(g):

"(1) 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.

(2) In addition to being unlawful, a violation of this subsection constitutes official misconduct.”

4. Section 26-408:

“A person may not (a) cancel or (b) solicit another to cancel a traffic citation in any manner other than as provided in this subtitle.”

**B. Issued Citations**

*Any citation issued to and signed by a defendant must be forwarded to District Court on the appropriate transmittal sheet.*

**C. Nolle Prosequi of Citations**

*If the officer has reason to believe that the charge is not proper, a memorandum should be sent to the SAO, detailing the reasons why the charge should be dropped (Appendix C). This request must be endorsed by the district/unit commander. No request to nolle a citation will be made directly to anyone in the SAO.*

**XII. Administrative Voidance of Citations**

**A. Reasons for Voiding**

*The department may only administratively void a citation that:*

- 1. Was filled out in error and not issued to the defendant;*
- 2. Was not used and was returned due to the resignation, retirement, or termination of an officer; or*
- 3. Was lost or damaged.*

**B. Officer's Responsibility**

*The officer requesting that a citation be voided will forward it to the District Commander with a memorandum explaining the reason for the voidance (Appendix D). The officer must include the original citation, the #2 copy, and both defendant copies.*

**C. District/Unit Commander Responsibilities**

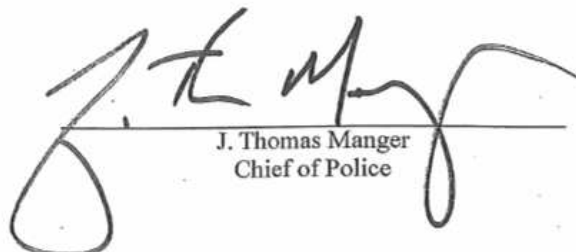
*The district/unit commander or other executive officer will forward the citation(s) to the Motor Vehicle Administration; Administrative Adjudication Division, Room 213; 6601 Ritchie Hwy, NE; Glen Burnie, MD 21062, with an explanation of the reason for voiding the citation (Appendix D).*

**XIII. CALEA Standards 1.2.5, 1.2.6, 61.1.3, 82.3.4**

**XIV. Proponent Unit: District Court Liaison**

**XV. Cancellation**

*This directive cancels Function Code 533, dated 05-16-03.*



J. Thomas Manger  
Chief of Police