

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



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TO: Chair Bobby Zirkin and Senate Judicial Proceedings Committee

FROM: Jim Rose and Phil Caroom, MAJR Executive Committee

DATE: February 12, 2019

Maryland Alliance for Justice Reform (MAJR) supports the Citation Bill—SB 341/HB 280—
as a valuable tool for law enforcement:

- to save officers' time,
- to reduce unnecessary arrest and detention, and
- to improve community relations.

As amended with law enforcement support and passed overwhelmingly by the House in 2017, SB 341 permits but does not require police officers to issue a citation for any simple possession of drugs charge and other minor misdemeanors when a person is not also subject to arrest for any felony, other offense involving serious injury or immediate health risk, or open warrant. Thus, the Citations Bill preserves officers' discretion to arrest when necessary to ensure public safety, to confirm a suspect's identification, and to process other open warrants and more serious charges. This bill further expands officers' citations options as begun by SB 422 (2012) that permitted use for misdemeanors with maximum penalties of 90 days or less, and marijuana possession.

Justice Reinvestment research in Maryland, importantly, suggests that drug-treatment is more effective and less costly when it is community-based, rather than provided to individuals during incarceration. (*See excerpt of JRCC final report on the next page of this testimony.*)

The Governor's Office for Crime Control and Prevention ([GOCCP](#)) [tracked citation use since 2012](#) and found a surge in use by Maryland's three largest counties in the first years. Statewide in 2015 approximately [56% of all citations were issued for possession of marijuana or paraphernalia](#). But, after notoriety of the law faded and marijuana decriminalization passed, police use of citations dropped in all but one county: In Anne Arundel County, the effective use of citation increased each year to the point that, in 2015, one of every three District Court criminal charges was filed by citation. See [GOCCP 2016 report](#) and District Court statistics. (*Also, see chart on statewide usage on next page of this testimony.*)

Citations could be used even more effectively. MAJR has investigated these citations trends, inquiring with administrators who supervise police training academies in Anne Arundel and elsewhere in Maryland. In Anne Arundel's Police Training Academy, it is reported, exercises and role-play to demonstrate appropriate use of citations are included repeatedly in different parts of the regular curriculum. However, the Maryland Police and Correctional Training Commission (PCTC) that coordinates other police academies around the state does not report that citations are similarly included in other jurisdictions' training.

For all these reasons, MAJR urges adoption of SB 341/HB 280 to expand the permitted scope of misdemeanors for which citations may be used, when police officers find it safe and appropriate to do so.

NOTE: Phil Caroom joins this testimony on behalf of the Maryland Alliance for Justice Reform executive committee and not on behalf of the Maryland Judiciary.

EXCERPT FROM FINAL REPORT OF MD. JUSTICE REINVESTMENT COUNCIL FINAL REPORT:
 Maryland’s [2015 Justice Reinvestment Council](#) (JRCC) study found:

Drug offenders remain a significant driver of Maryland’s prison population. Drug possession is one of the top 10 offenses at admission. In FY2014, 261 possession offenders were sent to prison from the courts (144 sentenced directly and 117 through probation revocations) [and many more were sentenced to local detention]. Research suggests that a high percentage of criminal justice-involved individuals suffer from substance abuse and mental health disorders requiring treatment and support.

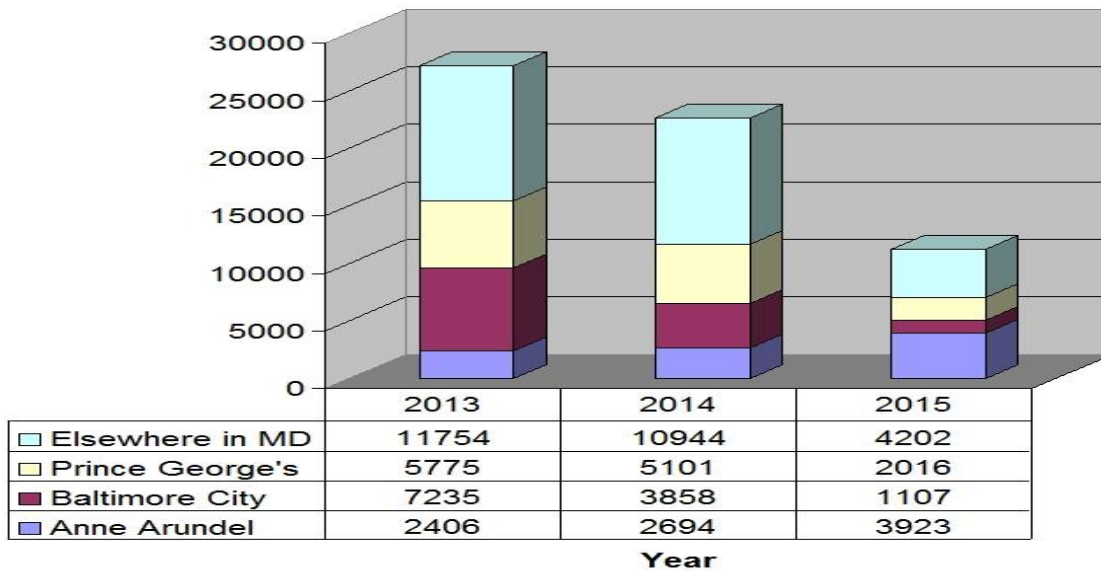
While prison may provide access to [some] substance abuse treatment, it is not the most cost-effective environment in which to deliver it. Further, research indicates that incarcerating drug offenders can actually increase the likelihood they will recidivate once they leave prison. This is because prison can exacerbate the criminal risk factors that drive recidivism by expanding the sphere of antisocial influence. [Final JRCC Report of Dec. 2015, at p. 13 and. Emphasis added, footnotes omitted.]

EXCERPT FROM GOCCP REPORT ON USE OF CITATIONS IN MD. UNDER 2012 STATUTE:

Criminal Citations Issued

GOCCP Report to the State of Maryland

<https://goccp.maryland.gov/reports-publications/law-enforcement-reports/criminal-citations/>



For more GOCCP data on citation use during three years—2013 to 2015, see <http://goccp.maryland.gov/reports-publications/law-enforcement-reports/criminal-citations/> and <file:///C:/Users/PBED8~1.CAR/AppData/Local/Temp/criminal-citations-report-2016-1.pdf>