

# **Caroom\_FAV\_SB479**

Uploaded by: Caroom, Phil

Position: FAV

# SUPPORT SB 479 / HB 479 - citations training

MARYLAND ALLIANCE FOR JUSTICE REFORM  
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Will Smith and Senate Judicial Proceedings Committee

FROM: Phil Caroom, MAJR Executive Committee

DATE: February 13, 2020

Md. Alliance for Justice Reform ([www.ma4jr.org](http://www.ma4jr.org)) strongly supports SB 479 to encourage more frequent and appropriate use of citations by police in lieu of arrests for minor misdemeanors, including simple possession of drugs that do not involve any threat to public safety or risk to abscond.

**Policy benefits?:** 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. Why?

- 1) Every citation instead of arrest (as discussed further below) saves more than an hour's time for each police officer, keeping them on the street.
- 2) Fewer arrests also means better community relations — and lower detention center costs (as discussed further below) from \$40 to \$140 per day.
- 3) Research suggests that less time in detention lowers the risk of recidivism (as discussed further below) for individuals who otherwise might have been arrested and spend days, weeks or months in pretrial detention.
- 4) 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.

**Importance of Training:** 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: 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 Dist.Ct. statistics.

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. The importance of adequate training is clearly indicated in this study of "Criminal Citations Issued."

For these reasons, MAJR urges a favorable report for SB 479 — requiring that police academies include training as to citations in their curricula.

## MORE REFERENCES

**Law enforcement time-savings & effectiveness:** The bill is not opposed by the Md. Chiefs and Sheriff's Association. Nationally, other law enforcement organizations affirmatively support expanded citation use: In their "Citation in Lieu of Arrest" report, the International Chiefs of Police note: "As arrest numbers and prison populations have increased, ... the criminal justice system [needs] ways to increase system efficiency, decrease costs, build trust between law enforcement and the public, protect the rights of the accused, and maximize public safety" (ICP, 2016, p. 6).

Among the many benefits of the approach, the ICF highlights the following:

-Citation offers potential time savings and increased law enforcement efficiency. Citations take significantly less time to process than do arrests (85.8 minutes vs. 24.2 minutes), saving just over an hour per incident.

- Increased use of citations could enhance communities / police relations by reducing the ill will that results from unnecessarily arrest and detention
- Increased use of citations reduces taxpayers' jail costs and overcrowding
- Citations avoid social costs associated with arrest, such as job loss and increased future offenses

**Taxpayer savings in detention costs:** In 2014, Maryland's sentenced prison population averaged 21,011, and our local jail populations (24 jurisdictions combined) averaged 11,454. Of these, 65.8% were Marylanders awaiting trial and constitutionally presumed innocent (Commission, 2014, p. 12). Pretrial detention is expensive. Maryland pretrial detention costs, per-inmate per-day, range from \$83-\$153. By comparison, pretrial assessment and supervision programs cost under \$10 per person per day. So, if Maryland reduced its pretrial population by as much as 23%, taxpayers could save more than \$150,000 *per day*. These funds could be better spent for prevention, treatment, and reentry.

**Beyond savings of taxpayer funds, why are citations preferable?** The high cost of detaining low-risk individuals before trial is not the only issue. A hidden cost is the negative impact of pretrial detention on public safety. After as few as three days in detention, low-risk individuals are 39% more likely to commit another offense; after more than 30 days, the likelihood of another offense increases to 74%. Why? Within this period, most individuals will have lost their employment, their housing and become estranged from family and other support networks outside the jail (Arnold Foundation, 2013).

Among many ways to reduce the number of low-risk individuals unnecessarily detained before trial, one particularly promising approach used in a majority of states, including Maryland, allows officers to issue more citations in place of arrests when appropriate. Maryland law currently allows citations for misdemeanors that do not carry a penalty of imprisonment, any misdemeanor with a maximum penalty of 90 days or less, and possession of small amounts of marijuana (NCSL, 2013).

MAJR suggests that expanded use of citations is appropriate and beneficial from the dual perspectives of cost and public safety—particularly for simple drug possession not involving sales, overdoses, other threats to public safety, or known risks to abscond. We suggest that officers should be given discretion to issue citations for offenses that do not involve serious injury or immediate health risks, as well as local ordinances for which the maximum penalty of imprisonment is 18 months or less.

For all these reasons, MAJR strongly urges a favorable recommendation for HB 261.

**Context:** 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.

### **Learn More!**

International Chiefs of Police, *Citation in Lieu of Arrest* (2016): <http://www.iacp.org/Portals/0/documents/pdfs/IACP%20Citation%20Final%20Report%202016.pdf>

National Conference on State Legislatures, *Citation in Lieu of Arrest* (2013): <http://www.ncsl.org/research/civil-and-criminal-justice/citation-in-lieu-of-arrest.aspx>

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Arnold Foundation, *The Hidden Costs of Pretrial Detention* (2013): [http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF\\_Report\\_hidden-costs\\_FNL.pdf](http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF_Report_hidden-costs_FNL.pdf)

Commission to Reform Maryland's Pretrial System, *Final Report* (2014): <http://www.goccp.maryland.gov/pretrial/documents/2014-pretrial-commission-final-report.pdf>

*Final Report of the President's Task Force on 21st Century Policing* (2015): [http://www.cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

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*PLEASE NOTE: Phil Caroom offers this testimony for Md. Alliance for Justice Reform and not for the Md. Judiciary.*

# **Unitarian Universalist Leg. Ministry\_fav\_SB479**

Uploaded by: Clark, Karen

Position: FAV

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## **SenKelley\_FAV\_SB479**

Uploaded by: Senator Kelley, Senator Kelley

Position: FAV

**TESTIMONY OF SENATOR DELORES G. KELLEY**

**REGARDING SENATE BILL 479 - PUBLIC SAFETY - MARYLAND POLICE TRAINING  
AND STANDARDS COMMISSION - CITATIONS IN LIEU OF ARREST**

**BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE**

**ON FEBRUARY 13, 2020**

**Mr. Chairman and Members:**

**Given significant legislative interest in moving Maryland towards best police practices, such as issuance of citations in lieu of arrest (where appropriate), I am pleased to introduce Senate Bill 479, which requires the development of a training module to help Maryland police departments have access to training regarding best practices for the issuance of citations, in lieu of arrest and detention, where appropriate.**



**Senate Bill 479 requires Maryland's Police Training and Standards Commission, in consultation with the Anne Arundel County Police Academy to develop and maintain a uniform statewide training and certification curriculum that includes role-playing exercises to prepare our police officers throughout Maryland to use best practices in the issuance of citations in lieu of arrest.**

**The Anne Arundel County Police Academy is prepared to teach best practices for use of citations in lieu of arrest. The Academy is able to certify and issue certificates to qualified instructors, to verify that police officers have satisfactorily completed training programs, and to consult with and accept cooperation of any recognized federal, State or municipal law enforcement agency or educational institutions.**

**In light of the many advantages of training Maryland police officers to issue citations (where appropriate) in lieu of arrest, and given the outstanding police training and certification capabilities of the Anne Arundel County Police Academy, I urge your favorable support of Senate Bill 479.**

**DPSCS\_INFO\_SB0479**

Uploaded by: kahl, catherine

Position: INFO



## Department of Public Safety and Correctional Services

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### Office of the Secretary Office of Government and Legislative Affairs

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ASSISTANT SECRETARY

GARY W. McHINNEY  
ASSISTANT SECRETARY

CATHERINE KAHL  
ACTING DIRECTOR

**BILL: SENATE BILL 479**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill requires the Maryland Police Training and Standards Commission (MPTSC), in consultation with the Anne Arundel County Police Academy, to develop and maintain a uniform statewide training curriculum that includes role-playing exercises to ensure the use of best practices in issuance of citations in lieu of arrest.

#### **COMMENTS:**

- MPTSC was reconstituted in 2016 as an independent commission within the Department of Public Safety and Correctional Services. The MPTSC's primary function is to set training standards for law enforcement officers and certify those officers who have met commission standards.
- These objectives are based on current legal requirements and procedures and best practices in the industry, and there is already an established objective for the issuance of citations in lieu of arrests.
- Given the current trend in many states for an interest in issuing both criminal and civil citations in lieu of arrest, law enforcement training nationwide has evolved to place more emphasis on the use of citations for enforcement purposes. Training in Maryland law enforcement agencies has evolved concurrently and includes scenario-based training.
- MPTSC staff is frequently in communication with the State's other law enforcement training agencies and works with them to keep the curriculum innovative and up to date.
- MPTSC confirmed with the Commander of the Anne Arundel County Police Academy that their academy that satisfies the Commission's training objective, but does not offer anything extraordinary that would contribute any more to the development of training than any other academy.

- There is a Maryland Training Director's Association, comprised of the approximately 20 academy directors across the State. They meet on a monthly basis and would be the appropriate subject matter experts on this area as opposed to one particular county.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully asks this Committee to consider this information as it deliberates on Senate Bill 479