

Testimony Support SB 671- Citations - Google Docs.

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Unitarian Universalist Legislative Ministry of Maryland

Shared Voices for Liberal Religious Values in Maryland

Testimony in Support of SB 671- Criminal Procedure - Charging Procedures and Documents – Citation

To: Senator Will Smith, Jr and the members of the Judicial Proceedings Committee

From: Karen Clark, Criminal Justice Task Force Chair,
Unitarian Universalist Legislative Ministry of Maryland

Date: February 25, 2021

The Unitarian Universalist Legislative Ministry of Maryland asks you to support SB 671. Studies have shown that when low-risk offenders are kept behind bars their rate of recidivism increases--even with a very short sentence. Having police officers trained to use citations in lieu of arrests for minor non-violent offences, diverts the offender from getting charged and being taken to jail. Being jailed, even for a minor offence, can have a very damaging impact on the offender while they await a hearing date after being charged. While waiting--even for just a short period of time--one's job security may be impacted or even terminated and family or other relationships can be disrupted. These offences usually carry a short-term sentence of 3 months or less but with a citation, an arrest may occur or a fine may be charged, and the offender released.

Our faith believes that the possibility for them to receive citation is a more compassionate policy than taking them to jail. Our jails and detention centers' cost the taxpayers between \$83-153 per person/per day. The money saved by reducing this population could be applied towards rehabilitation efforts for prevention, needed treatment or re-entry preparation.

SB 671 specifically outlines the situations in which the officers can and cannot issue citations. For example, any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment may receive a citation; but not for more serious failures to comply with a protective order or abuse /neglect of an animal. Several counties have been part of a pilot program which has been successfully implementing this process for several years. It's time to offer it to all. This bill falls into the "smart about crime" category which UULM-MD supports.

The Unitarian Universalists ask you to apply their second principle of using compassion, equity and justice in our institutional systems and vote in favor of SB 671.

Respectfully submitted,

Karen Clark

Karen Clark – UULM-MD Criminal Justice Task Force Chair

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SB 671 - Charging Proceudres - Citations.pdf

Uploaded by: Shellenberger, Scott

Position: FAV

Bill Number: SB 671
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 671
CHARGING PROCEDURES - CITATIONS

I write in support of Senate Bill 671 that expands the crimes for which a law enforcement officer may issue a citation in lieu of an arrest.

Over the last several years the Legislature has first allowed and then expanded the crimes for which a citation may be issued for minor crimes as outlined in Criminal Procedure Article §4-101.

Senate Bill 671 is a common sense extension of that statute to include misdemeanors with a penalty of 90 days or less that do not involve serious injury or an immediate health risk. Senate Bill 671 also extends the use of a citation to the possession of other drugs in addition to marijuana.

Please remember that there are other requirements that must be met in order for the officer to decide if they can issue a citation, including that failure to charge by statement of charges does not pose a threat to public safety.

I urge a favorable report.

JudgeCaroom-SB671-FAV.pdf

Uploaded by: Waldstreicher, Jeff

Position: FAV

SUPPORT SB 671 - 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 25, 2021

Md. Alliance for Justice Reform (MAJR-www.ma4jr.org) strongly supports HB 445 to encourage and train for expanded, appropriate use of citations by police in lieu of arrests for minor misdemeanors, including simple possession of drugs that do not involve threats to public safety or risks 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 shows less time in detention lowers the risk of recidivism (discussed further below) for individuals who otherwise might have been arrested and spend days, weeks or months in pretrial detention.
- 4) In a pandemic time, less arrests and detention means reduced exposure to contagion and disease for police, corrections and the public; this, in turn, may help reduce healthcare costs & overcrowding.
- 5) 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 HB 445 — permitting wider use of citations and requiring that police academies include training as to citations in their curricula.

Law enforcement time-savings: 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>

Pretrial Justice Institute, "Citation in Lieu of Custodial Arrest: Recommendations" (ND): <http://www.pretrial.org/solutions/citation/>

Arnold Foundation, *The Hidden Costs of Pretrial Detention* (2013): http://www.arnoldfoundation.org/wpcontent/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

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

SB0671-643821-01.pdf

Uploaded by: Waldstreicher, Jeff

Position: FAV



SB0671/643821/1

AMENDMENTS
PREPARED
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SERVICES

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BY: Senator Waldstreicher
(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 671
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “citation;” insert “adding a citation for an incarcerable crime as a document that may accompany a certain application for requisition;”; and in line 17, after “4-101(c)” insert “and 9-123”.

AMENDMENT NO. 2

On page 4, after line 11, insert:

“9-123.”

(a) (1) When the return to this State of a person charged with a crime in this State is required, the State’s Attorney shall present to the Governor a written application for a requisition for the return of the person charged.

(2) The application shall state:

(i) the name of the person charged;

(ii) the crime charged against the person;

(iii) the approximate time, place, and circumstances of its commission; and

(iv) the state in which the person is believed to be, including the location of the accused therein, when the application is made.

(Over)

(3) The application shall certify that in the opinion of the State's Attorney, the ends of justice require the arrest and return of the accused to this State for trial, and the proceeding is not instituted to enforce a private claim.

(b) (1) When the return to this State is required of a person who has been convicted of a crime in this State and has escaped from confinement or broken the terms of bail, probation, or parole, the State's Attorney of the county in which the crime was committed, the parole commission, or the managing official of the correctional facility or sheriff of the county from which escape was made shall present to the Governor a written application for a requisition for the return of the person.

(2) The application shall state:

(i) the name of the person;

(ii) the crime of which the person was convicted;

(iii) the circumstances of the escape from confinement or of the breach of the terms of bail, probation, or parole; and

(iv) the state in which the person is believed to be, including the location of the person therein when application is made.

(c) (1) The application shall be verified by affidavit, be executed in duplicate, and be accompanied by two certified copies of:

(i) the indictment returned;

(ii) the information and affidavit filed;

(iii) the complaint made to the judge or District Court commissioner, stating the crime with which the accused is charged; [or]

**(IV) THE CITATION, STATING THE INCARCERABLE CRIME
WITH WHICH THE ACCUSED IS CHARGED; OR**

[(iv)] (V) the judgment of conviction or the sentence.

(2) The applicant may also attach further affidavits and other documents in duplicate.

(3) One copy of the application with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, affidavits, CITATION, judgment of conviction, or sentence shall be filed in the office of the Secretary of State, to remain of record in that office.

(4) The other copies of all papers shall be forwarded with the Governor's requisition."