



# GENERAL ORDER ADM-35 CITATION CONTROL

EFFECTIVE SEPTEMBER 9, 2011

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This General Order contains the following numbered sections:

- I. POLICY
- II. PROCEDURES
- III. VOIDING CITATIONS AND REPAIR ORDERS
- IV. CANCELLATION

## **I. POLICY**

The Howard County Department of Police shall strive to maintain strict accountability for all citations, warning books and equipment repair orders used by its personnel.

## **II. PROCEDURES**

### A. Control and Issuance<sup>1</sup>

1. All Maryland Uniform Complaint and Citation books, Maryland Uniform Criminal/Civil Citation books and Howard County Parking Citation books shall be listed in a Control Log, maintained by Records Section personnel, and shall be issued only to authorized personnel in numerical sequence. Notations shall be made in the Log when citation books are issued to personnel and when citations are returned to Records after being issued to violators.
2. Maryland Safety Equipment Repair Order/Warning books shall be listed in the appropriate Control Log, maintained by Records Section personnel, and shall be issued only to authorized personnel in numerical sequence. Notations shall be made in the Log when citation books are issued to personnel.
3. Electronic Citations (Citations, Warnings, SERO's) – The maintenance, storage, control, numbering, tracking and data transfer of electronic citations will be maintained and handled electronically in the agreed upon format, storage and transfer methods established between HCPD and the specified electronic citation vendor. Officers are not permitted to utilize electronic citation hardware/software unless they have been trained in its use. Officers authorized to use an electronic citation program hardware/software must do so in accordance with specified provider protocol and training.<sup>2</sup>
4. The Records Section shall be ultimately responsible for the dissemination and control of all types of citation books and repair order/warning books to authorized personnel. Dissemination of these books shall be achieved in the following manner:
  - a. The Records Section shall issue all types of Citation Books, including Maryland Uniform Complaint and Citation Books, Maryland Criminal/Civil/Juvenile Citation Books, Maryland Safety Equipment Repair Order/Warning Books and Howard County Parking Citation Books. Members may only have a maximum of two (2) active Howard County Parking Citation Books in their possession at a time.

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<sup>1</sup> CALEA 82.3.4a & 82.3.4b

<sup>2</sup> CALEA 82.3.4a & 82.3.4c



3. All copies (except for the officer's copy) of Howard County Parking Citations shall be forwarded to the County designated vendor for processing by Records Section personnel.
  4. When personnel resign or are terminated, all citation/repair order books in their possession shall be returned to the Records Section<sup>7</sup>. The submission of Maryland Uniform Complaint and Citation books, Maryland Uniform Criminal/Civil Citation books and Howard County Parking Citation books shall be documented in the Control Log.
  5. To ensure that all Citation books are fully accounted for, Records Section personnel shall conduct periodic audits of the Control Log. Audits shall be conducted at least once each fiscal year.<sup>8</sup>
- D. All Animal Control citations shall be stored and issued in accordance with Animal Control Special Operations Procedure AC-15, Citation Control.

### III. VOIDING CITATIONS

On occasion, there may be a need for personnel to void citations due to an error. In an effort to maintain the strict accountability of all citations, the following guidelines shall be adhered to:<sup>9</sup>

#### A. MARYLAND UNIFORM COMPLAINT AND CITATION

1. If an error is made while writing a citation and the defendant has been given their copy, the citation must follow normal procedure and be disposed of in open court. It may not be voided. Officers should attach all remaining copies (except for the officer's copy) of the citation to a completed HCPD Nolle Prose/Stet Recommendation Form (HCPD Form # 2302), complete a HCPD Memorandum addressed to the officer's District/Bureau Commander describing the error and request for nolle prose and forward them to the State's Attorney's Office through the chain of command.
2. If an error is made while writing a paper citation and the **defendant has not been given their copy** (even if the defendant has signed it), the citation may be administratively voided. The procedures for voiding citations are as follows:
  - a. The citation must contain the void date in the violation date area and all personal information must be entered. The issuing officer must sign the citation and "VOID" must be written across the citation. The issuing officer shall, on an HCPD Internal Memorandum addressed to the officer's District/Bureau Commander, describe the error made and indicate the control number of the citation issued in its place or that no citation was issued in its place. The citation (all copies except for the officer's copy) and the Memorandum will be endorsed by the personnel's first line supervisor and then forwarded to the officer's District/Bureau Commander through channels for approval.
  - b. Once approved by the District/Bureau Commander, the citation (all copies except for the officer's copy) and the Memorandum will be forwarded to the Records Section.
  - c. Records Section personnel will enter the citation on the transmittal; the original and the Court copy, will be forwarded to the Judicial Information Systems Ticket Room in Annapolis.

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<sup>7</sup> CALEA 82.3.4b

<sup>8</sup> CALEA 82.3.4b

<sup>9</sup> CALEA 82.3.4b

3. If an electronic citation(s) has been issued/submitted and an error has been made/detected, the citation must follow normal procedure and be disposed of in open court, regardless of **whether or not the defendant has been given a copy**. Once issued, electronic citations are automatically uploaded to the District Court and cannot be administratively voided. The issuing officer shall, on an HCPD Internal Memorandum addressed to the officer's District/Bureau Commander, describe the error made listing the control number of the citation, reason for the request to nolle prose and indicate the control number of the citation issued in its place or that no citation was issued in its place. The Memorandum will be endorsed by the officer's first line supervisor and forwarded to the officer's District/Bureau Commander through channels for approval. Officers shall print a copy of the electronic citation and attach the citation to a completed HCPD Nolle Prose/Stet Recommendation Form (HCPD Form #2302) and forward both documents to the State's Attorney's Office through the chain of command with the memorandum.<sup>10</sup>

**B. MARYLAND UNIFORM CRIMINAL/CIVIL CITATIONS**

1. If an error is made while writing a citation and the defendant has been given their copy, the citation must follow normal procedure and be disposed of in open court. The issuing officer shall, on an HCPD Internal Memorandum addressed to the officer's District/Bureau Commander, describe the error made listing the control number of the citation and reason for the request to nolle prose. The Memorandum will be endorsed by the officer's first line supervisor and forwarded to the officer's District/Bureau Commander through channels for approval. Officers shall attach all copies (except for the officer's copy) of the citation to a completed HCPD Nolle Prose/Stet Recommendation Form (HCPD Form # 2302) and forward them to the State's Attorney's Office through the chain of command with the memorandum.
2. If an error is made while writing a citation and the defendant has not been given their copy (even if the defendant has signed it), the citation may be administratively voided. The procedures for voiding Maryland Uniform Criminal/Civil citations are as follows:
  - a. The citation must contain the void date in the violation date area and all personal information must be entered. The issuing officer must sign the citation and "VOID" must be written across the citation.
  - b. The officer will complete an HCPD Internal Memorandum, addressed to the officer's District/Bureau Commander describing the error made and indicate the control number of the citation issued in its place or that no citation was issued in its place.
  - c. The citation (all copies except for the officer's copy) will be endorsed by the appropriate first line supervisor. The citation (all copies except for the officer's copy) and the Memorandum will then be forwarded to the appropriate District/Bureau Commander for approval.
  - d. Once approved and signed by the District/Bureau Commander, the citation (all copies except for the officer's copy) and the Memorandum will be forwarded to the Records Section.

**C. HOWARD COUNTY CODE CIVIL CITATIONS**

1. If an error is made while writing a citation and the defendant has been given their copy, the citation must follow normal procedure and be disposed of in open court. It may not be voided. Officers should forward all copies (except for the officer's copy) of the citation with a HCPD Internal Memorandum addressed to the officer's District/Bureau Commander describing the error to the County Solicitor's Office through the chain of command.<sup>11</sup>

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<sup>10</sup> CALEA 82.3.4b

<sup>11</sup> CALEA 82.3.4b

2. If an error is made while writing a citation and the defendant has not been given their copy (even if the defendant has signed it), the citation may be administratively voided.

The procedures for voiding Howard County Code Civil citations are as follows:

- a. The citation must contain the void date in the violation date area and all personal information must be entered. Issuing officer must sign the citation and "VOID" must be written across the citation.
- b. The issuing officer will complete an HCPD Internal Memorandum addressed to the officer's District/Bureau Commander describing the error made and indicate the control number of the citation issued in its place or that no citation was issued in its place.
- c. The citation (all copies except for the officer's copy) will be forwarded to the appropriate first line supervisor for endorsement. The citation and the Memorandum will then be forwarded to the appropriate District/Bureau Commander for their approval.
- d. Once approved and signed by the District/Bureau Commander, the citation and the Memorandum will be forwarded to the Records Section.

#### D. PARKING CITATIONS

1. If an error is made while writing a citation and the **defendant has been given their copy of the citation(s)**, the citation must follow normal procedure and be disposed of in open court. It may not be voided. The issuing officer shall, on an HCPD Internal Memorandum, addressed to the officer's District/Bureau Commander, describe the error made. The citation (all copies except for the officer's copy), a completed HCPD Waiver of Charges Form (HCPD Form #2008) and the Memorandum will be endorsed by the officer's first line supervisor and then forwarded to the officer's District/Bureau Commander through channels for approval. Once approved by the District/Bureau Commander, the request will be forwarded to the Howard County Director of Finance.<sup>12</sup>
2. If an error is made while writing a citation and the defendant has not been given their copy, the citation may be administratively voided.

The procedures for voiding Parking citations are as follows:

- a. The citation must contain the void date in the violation date area and all personal information must be entered. The issuing officer must sign the citation and "VOID" must be written across the citation.
- b. The issuing officer shall, on an HCPD Internal Memorandum, addressed to the officer's District/Bureau Commander, describe the error made and indicate the control number of the citation issued in its place or that no citation was issued in its place. The citation (all copies except for the officer's copy), a completed HCPD Waiver of Charges Form (HCPD #2008) and the Memorandum will be endorsed by the officer's first line supervisor and then forwarded to the officer's District/Bureau Commander through channels for approval.
- c. Once approved and signed by the District/Bureau Commander, the citation (all copies except for the officer's copy) and the HCPD form 2008 will be forwarded to the Records Section.

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<sup>12</sup> CALEA 82.3.4b

- d. Records Section personnel will log the number of the voided citation and will forward the original (all copies except for the officer's copy) and the waiver form to the County designated vendor for processing. A copy of the HCPD form 2008 will be filed by Records Section personnel for a period of three (3) years for audit purposes.

E. MARYLAND SAFETY EQUIPMENT REPAIR ORDER/WARNINGS<sup>13</sup>

If an error is made while writing a Maryland Safety Equipment Repair Order/Warning, the Safety Equipment Repair Order may be administratively voided.


The procedures for voiding repair order/warnings are as follows:

1. The repair order/warning must contain the void date in the violation date area. The issuing officer must sign the repair order/warning and "VOID" must be written across the document.
2. All copies (except for the officer's copy) of the voided repair order/warning will be given by the officer to his immediate supervisor who will sign and date the voided document and forward it to the Records Section.
3. The Records Section will maintain a file of all voided repair orders and warnings.

IV. **CANCELLATION**

This General Order will cancel and replace General Order ADM-35, Citation Control, dated June 23, 2005.

AUTHORITY:

  
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William J. McMahon  
Chief of Police

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<sup>13</sup> CALEA 82.3.4b