2017 Criminal Citations Data Analysis Final Report to the State of Maryland

Under Chapters 504 and 505 (2012)

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Introduction

In 2012 Chapters 504 (Senate Bill 422)[1] and 505 (House Bill 261),[2] *Criminal Procedure - Criminal Defendants - Citations and Appearances*, provided that a law enforcement officer may charge a defendant by a Uniform Criminal Citation, for certain criminal offenses in lieu of making an arrest or making an arrest and issuing a criminal citation in lieu of continued custody. Chapters 504 and 505 of 2012 added approximately 350 offenses in which a law enforcement officer may issue a criminal citation in lieu of custody or continued custody. In addition, it required law enforcement agencies to report information to the Maryland Statistical Analysis Center (Center), located within the Governor's Office of Crime Control and Prevention, as it relates to all citations issued.

In accordance with Chapters 504 and 505 of 2012, the Police Training Commission and the Center, in consultation with the Administrative Office of the Courts, developed a standardized data collection, analysis, and reporting process. This standardized process allowed law enforcement agencies to electronically submit information on the citations issued through the Administrative Office of the Courts to be retrieved by the Center.

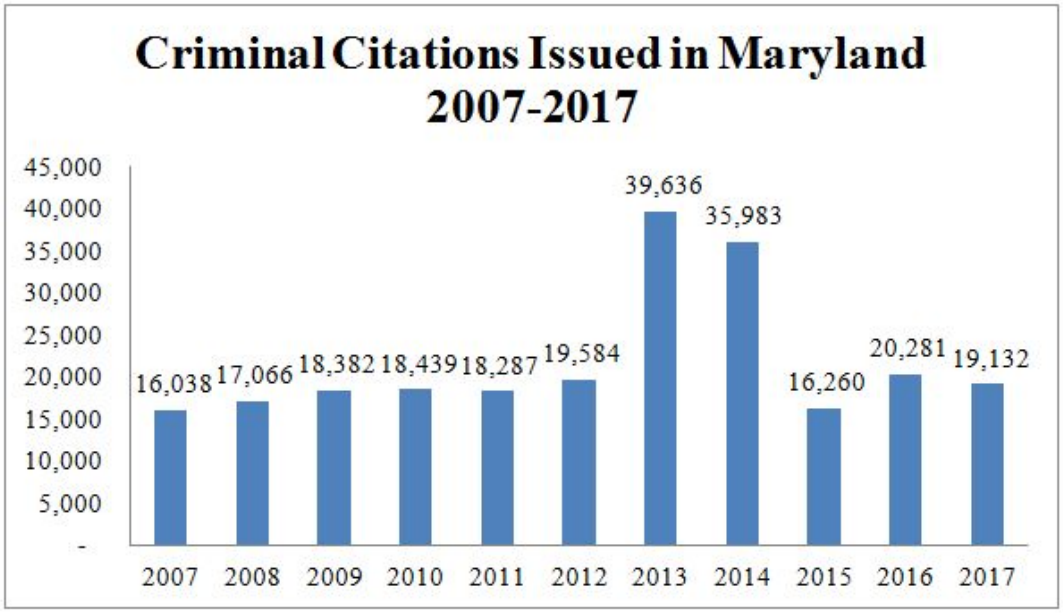
Pursuant to Chapters 504 and 505 of 2012, the Center is required to submit a report to the Governor, the General Assembly, and each law enforcement agency before September 1 of each year as it relates to the data submitted by each law enforcement agency that issued a criminal citation (*as illustration below*):

1. The date, location, and time of the issuance of the citation;
2. The offense charged;
3. The gender of the offender;
4. The date of birth of the offender;
5. The state and, if available, the county of residence of the offender; and
6. The race of ethnicity of the offender as:
    a. Asian;
    b. Black;
    c. Hispanic;
    d. White; or
    e. Other.

[1] Maryland General Assembly. (2012). *Chapter 504 (Senate Bill 422), Criminal Procedure - Criminal Defendants - Citations and Appearances*.
[2] Maryland General Assembly. (2012). *Chapter 505 (House Bill 261), Criminal Procedure - Criminal Defendants - Citations and Appearances*.

Overview

In response to Chapters 504 and 505 of 2012, the number of criminal citations issued by law enforcement officers in Maryland nearly doubled in the first year of its effect, and then rapidly decreased in 2015 due to changes in legislation (*as illustrated below*).[3]



In 2015 Senate Bill 517, *Criminal Law - Use and Possession of Marijuana and Drug Paraphernalia*, established a civil penalty for the smoking of marijuana in a public place.[4] In accordance with § 5-601 of the Criminal Procedure Article, the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine.[5] As a result, the issuance of criminal citations further decreased by 5.6% from 2016 to 2017; however, the overall issuance of criminal citations increased by nearly 18% in 2017 compared to the 2015 totals.

[3] The issuance of criminal citations for controlled dangerous substances (CDS) offenses, most of which were marijuana related, represented nearly 53% of all citations issued in 2013, and 56% of all citations issued in 2014.
[4] Maryland General Assembly. (2015). *Senate Bill 517, Criminal Law - Use and Possession of Marijuana and Drug Paraphernalia*.
[5] Maryland General Assembly. *§ 5-601 of the Criminal Law Article*.

Methodology

The *2018 Criminal Citations Data Analysis Final Report to the State of Maryland* presents aggregate data on all eligible criminal citations that were issued by Maryland law enforcement agencies in the 2017 calendar year.[6] All issued criminal citations electronically submitted through the Administrative Office of the Courts were received in Microsoft Excel and subsequently merged, standardized, and analyzed using a widely accepted software package and used by researchers and social scientists.

The unit of analysis for this report consists of all eligible criminal citations issued by law enforcement between January 1 and December 31, 2017. Eligible criminal citations refer to misdemeanors and violations of local ordinances. A law enforcement officer may issue a citation in lieu of making an arrest. The decision to issue a citation or make an arrest is at the discretion of the officer on the scene and his/her assessment of the offender and the violation in question. The following may play a role in an officer's decision to arrest or issue a citation:

- The officer's satisfaction with the defendant's evidence of identity;
- The officer believes the defendant will comply with the citation;
- Whether or not the defendant is a threat to society;
- The defendant is not subject to arrest due to another pending charge as a result of the same incident;
- The defendant complies with all lawful orders given by the officer.

The relevant information required by law from police departments regarding the issuance of criminal citations includes the following:

Information	Units of Measure
Race/ethnicity of the offender	Asian, Black, Hispanic, Other, White
Gender of driver	Male, female
Age of the offender	17 and younger, 18-29, 30-44, 45-60, 61 and older
Date of the issuance of the citation	Month
Time of Issuance	0000 - 0800, 0800 - 1600, 1600 - 2400
Offender county of residence	County
Offender state of residence	In state, out of state
Offense Charged	Crime category, and charge legal definition

[6] Law enforcement officers electronically submitted information to the Administrative Office of the Courts as it relates to all eligible criminal citations issued.

Results

Between January 1 and December 31, 2017, a total of **19,132** criminal citations were issued in Maryland. The county of issuance for criminal citations is displayed in **Table 1**. The top five counties that issued the most criminal citations were Montgomery, Prince George's, Anne Arundel, Baltimore County, and Frederick County, which accounted for 70% of all criminal citations issued in the state. The fewest criminal citations were issued in Kent, Somerset, Garrett, Caroline, and Queen Anne's Counties.

Table 1. County of Criminal Citation Issuance

	Frequency	Percent
Allegany County	617	3.2%
Anne Arundel County	2,178	11.4%
Baltimore City	763	4.0%
Baltimore County	898	4.7%
Calvert County	192	1.0%
Caroline County	84	0.4%
Carroll County	116	0.6%
Cecil County	767	4.0%
Charles County	579	3.0%
Dorchester County	220	1.2%
Frederick County	867	4.5%
Garrett County	64	0.3%
Harford County	332	1.7%
Howard County	221	1.2%
Kent County	30	0.2%
Montgomery County	4,835	25.3%
Prince George's County	4,589	24.0%
Quen Anne's County	93	0.5%
Somerset County	57	0.3%
St. Mary's County	255	1.3%
Talbot County	137	0.7%
Washington County	243	1.3%
Wicomico County	349	1.8%
Worcester County	646	3.4%
Total	**19,132**	**100.0%**

Table 2 displays the race of offenders who were issued criminal citations. The race was missing or unknown in 2,287 cases. Over 80% of all criminal citations were issued on White or Black

individuals (37.6% and 47.8% respectively). **Table 3** displays the gender statistics for offenders issued criminal citations. Gender information was missing or unknown in 247 cases. The vast majority of criminal citations issued were for male offenders (72.0%) as opposed to female offenders (26.7%). **Table 4** displays the age of offenders who were issued criminal citations. Age was unknown or missing in 204 cases. A majority of criminal citations were issued to individuals 18-29 years of age (40.1%) followed by 30-44 years of age (30.0%), and 45-60 years of age (23.8%).

Table 2. Race of Offenders Issued Criminal Citations		
	Frequency	**Percent**
Asian	307	1.6%
Black	9,136	47.8%
Other	195	1.0%
White	7,207	37.6%
Missing/Unknown	2,287	12.0%
Total	**19,132**	**100.0%**

Table 3. Sex of Offenders Issued Criminal Citations		
	Frequency	**Percent**
Female	5,102	26.7%
Male	13,783	72.0%
Missing/Unknown	247	1.3%
Total	**19,132**	**100.0%**

Table 4. Age of Offenders Issued Criminal Citations		
	Frequency	**Percent**
18-29 years of age	7,679	40.1%
30-44 years of age	5,750	30.0%
45-60 years of age	4,551	23.8%
61 & older	948	5.0%
Missing/Unknown	204	1.1%
Total	**19,132**	**100.0%**

Chart 1 displays statistics regarding the month that criminal citations were issued by law enforcement. The pattern of citations being issued mirrors seasonal patterns with more issued in the warmer summer months than the colder winter months. The three months with the most issued criminal citations were June, July, and September.

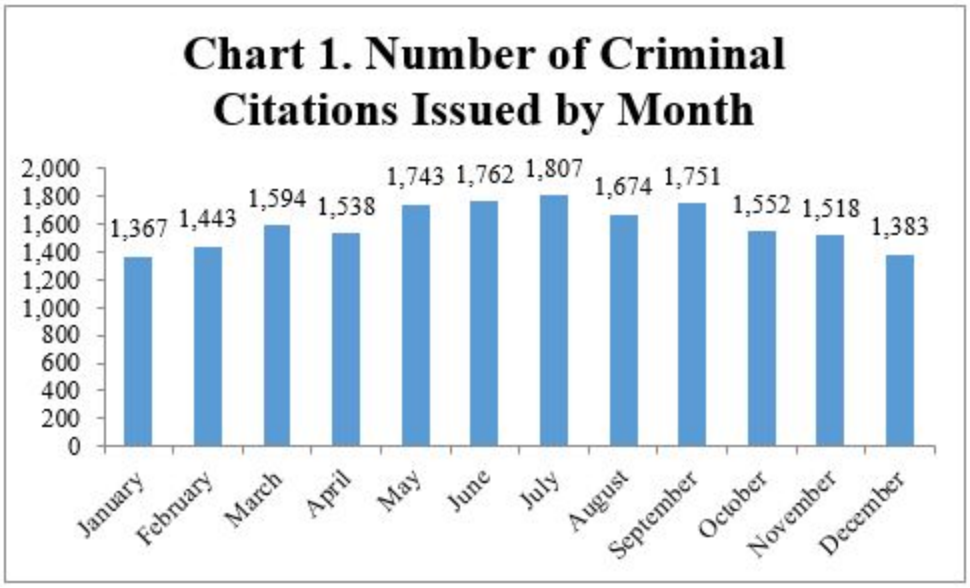


Chart 2 displays statistics for the state of residence for offenders who were issued criminal citations. The vast majority of offenders issued citations lived in state (85.1%) regardless of race or gender (86.1% for females vs. 84.7% for males).

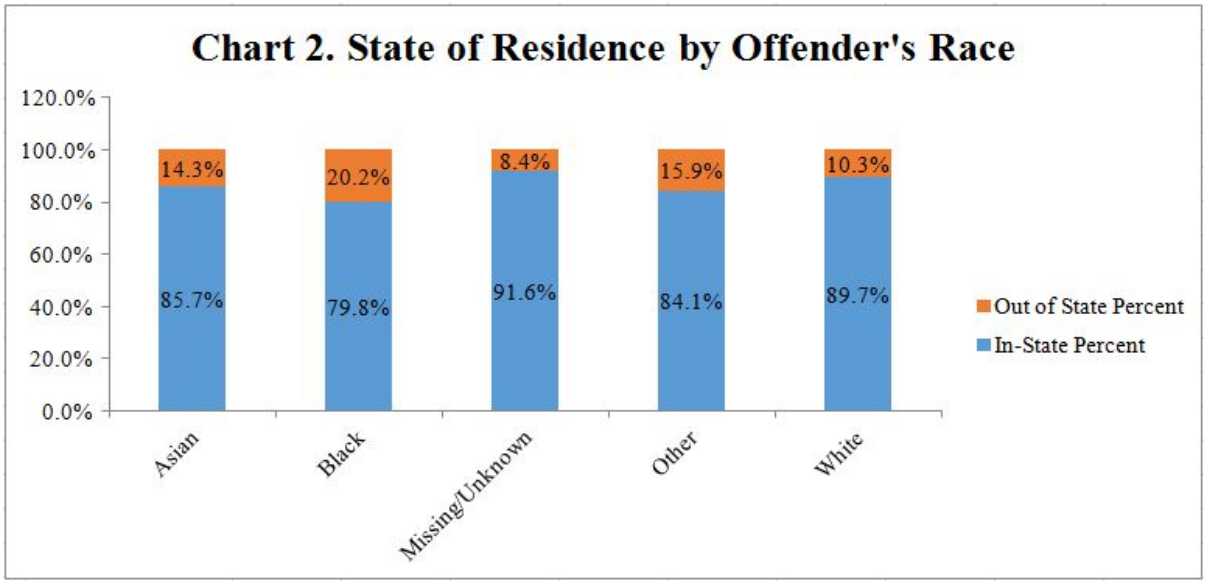
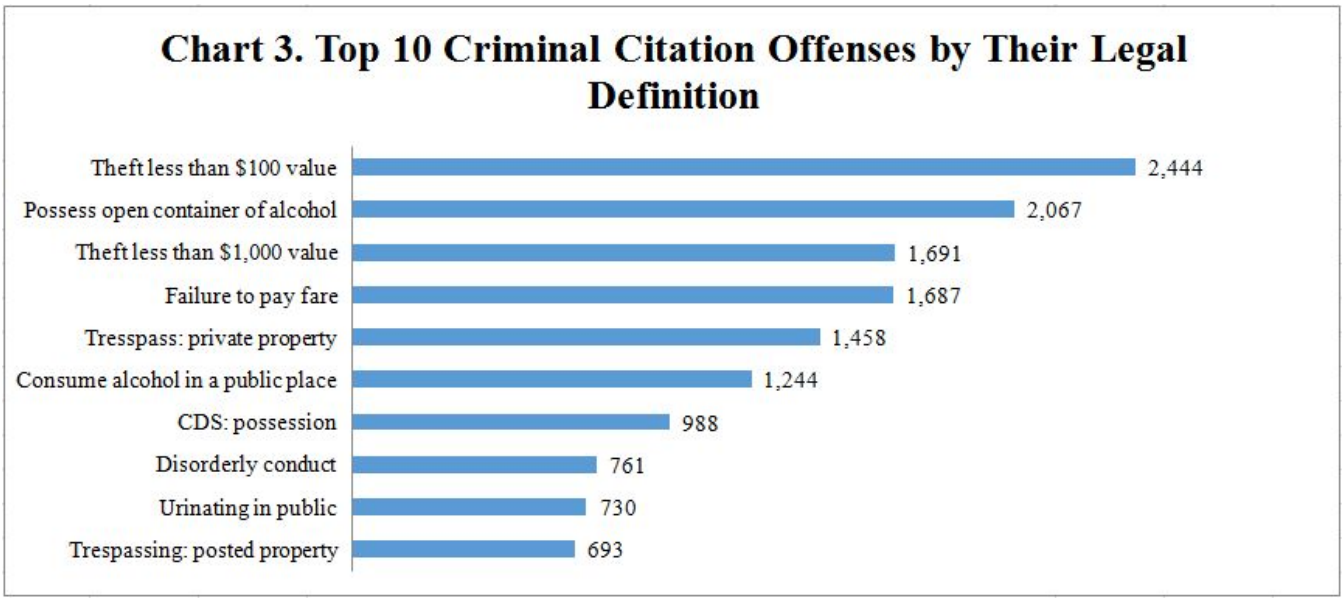


Table 5 displays the statistics for criminal citations issued by crime category. A specific crime category could be determined in 19,129 (99.9%) of incidents where a criminal citation was issued. Theft was the most cited criminal offense (25.4%) followed by alcohol related offenses (20.3%), trespassing (11.5%), and other criminal offenses (11.5%). Failure to appear (0.02%), fraud (0.2%), and firearms (0.2%) were the least cited criminal violation categories.

Table 5. Citation Crime Categories		
	Frequency	**Percent**
Theft	4,856	25.4%
Alcohol related offenses	3,884	20.3%
Trespassing	2,204	11.5%
Other criminal offenses (animal control, littering, failure to pay etc.)	2,203	11.5%
Controlled dangerous substances (CDS)	1,704	8.8%
Business offenses (sale w/o trader's license etc.)	1,658	8.7%
Disturbing the peace/disorderly conduct	957	5.0%
Other quality of life offenses (indecent exposure, panhandling etc.)	823	4.3%
Failure to obey law enforcement (obstruction, resisting arrest etc.)	343	1.8%
Malicious destruction of property	256	1.3%
Harm to a child/minor (confine unattended child)	169	1.0%
Fraud	36	0.2%
Firearms	31	0.2%
Failure to appear	5	0.02%
Missing/unknown	3	0.02%
Total	**19,132**	**100.0%**

The legal definition and criminal code reference for the top ten issued criminal citation offenses are displayed in **Chart 3.** Combined, these ten offenses account for 64% of all issued criminal citations where a specific offense was reported. The top two offenses were theft less than $100 and possession of an open container of alcohol.



Tables 6 and 7 display statistics for the criminal citation crime categories stratified by race and collapsed by gender. The crime category was unknown in 3 cases and gender or race was missing in 2,359 cases which were excluded from this analysis. There was some variation in the issuance of criminal citations by crime category for males and females as well as different races. Alcohol related offenses were the most cited criminal violations for males (21.8%) and theft was the most cited offense for females (43.5%). Overall, alcohol related criminal citations were more common for males than females (21.8% compared to 10.1%), as well as criminal citations for trespassing (13.2% vs. 8.6%) and all other criminal or quality of life offenses (17.9% compared to 9.4%). Criminal citations for theft were more common for females than males (43.5% compared to 20.0%).

Criminal citations issued for controlled dangerous substance offenses were more common for both white males (12.0%), and white females (14.0%) compared to all other race categories. Citations for theft were more prevalent for black males (21.2%) and black females (48.4%) . Criminal citations for theft were more common for black females (48.4%). Asian males and females had a larger percentage of criminal citations issued for business ownership violations (doing business without a trader's license etc.) than other demographic groups.

Table 6. Crime Categories by Offender's Race/Ethnicity (Males)					
	Asian	**Black**	**Other**	**White**	**Total**
Alcohol	24 11.1%	1,523 22.2%	28 17.4%	1,056 21.9%	**2,631** **21.8%**
Business offenses	85 39.2%	220 3.2%	31 19.3%	643 13.3%	**979** **8.1%**
Controlled Dangerous Substances (CDS)	9 4.1%	554 8.1%	13 8.1%	581 12.0%	**1,157** **9.6%**
Disorderly Conduct/disturbing the peace	1 0.5%	322 4.7%	5 3.1%	304 6.3%	**632** **5.2%**
Failure to appear	0 0.0%	4 0.1%	0 0.0%	0 0.0%	**4** **0.03%**
Failure to obey law enforcement	2 0.9%	120 1.7%	4 2.5%	104 2.2%	**230** **1.9%**
Firearms	0 0.0%	18 0.3%	0 0.0%	9 0.2%	**27** **0.2%**
Fraud	2 0.9%	4 0.1%	1 0.6%	12 0.2%	**19** **0.2%**
Harm to a child/minor	1 0.5%	30 0.4%	0 0.0%	11 0.2%	**42** **0.3%**
Malicious destruction of property	1 0.5%	84 1.2%	1 0.6%	104 2.2%	**190** **1.6%**
Other criminal	14 6.5%	1,413 20.6%	12 7.5%	223 4.6%	**1,662** **13.8%**
Other quality of life offenses	11 5.1%	248 3.6%	5 3.1%	226 4.7%	**490** **4.1%**
Theft	22 10.1%	1,445 21.1%	26 16.1%	915 19.0%	**2,408** **20.0%**
Trespassing	45 20.7%	879 12.8%	35 21.7%	636 13.2%	**1,595** **13.2%**
Total	**217** **100.0%**	**6,864** **100.0%**	**161** **100.0%**	**4,824** **100.0%**	**12,066** **100.0%**

Table 7. Crime Categories by Offender's Race/Ethnicity (Females)					
	Asian	**Black**	**Other**	**White**	**Total**
Alcohol	13 14.8%	205 9.2%	3 8.8%	253 10.7%	**474** **10.1%**
Business offenses	32 36.4%	73 3.3%	12 35.3%	316 13.4%	**433** **9.2%**
Controlled Dangerous Substances (CDS)	3 3.4%	90 4.1%	0 0.0%	332 14.0%	**425** **9.0%**
Disorderly Conduct/disturbing the peace	1 1.1%	137 6.2%	0 0.0%	108 4.6%	**246** **5.2%**
Failure to appear	0 0.0%	1 0.05%	0 0.0%	0 0.0%	**1** **0.02%**
Failure to obey law enforcement	0 0.0%	44 2.0%	1 2.9%	33 1.4%	**78** **1.7%**
Firearms	0 0.0%	0 0.0%	0 0.0%	1 0.0%	**1** **0.02%**
Fraud	0 0.0%	5 0.2%	0 0.0%	6 0.3%	**11** **0.2%**
Harm to a child/minor	4 4.5%	72 3.2%	2 5.9%	26 1.1%	**104** **2.2%**
Malicious destruction of property	0 0.0%	21 0.9%	0 0.0%	20 0.8%	**41** **0.9%**
Other criminal	2 2.3%	332 14.9%	0 0.0%	60 2.5%	**394** **8.4%**
Other quality of life offenses	0 0.0%	10 0.5%	0 0.0%	36 1.5%	**46** **1.0%**
Theft	21 23.9%	1,075 48.4%	12 35.3%	938 39.7%	**2,046** **43.5%**
Trespassing	12 13.6%	156 7.0%	4 11.8%	235 9.9%	**407** **8.6%**
Total	**88** **100.0%**	**2,221** **100.0%**	**34** **100.0%**	**2,364** **100.0%**	**4,707** **100.0%**

Table 8 displays the statistics for criminal citations issued by crime category stratified by offender's age. The crime category was unknown in 3 cases and the age was unknown in 204 cases which were all excluded from this analysis. The number of criminal citations issued for CDS possession was more common for younger offenders than older offenders (10.6% for ages 18-29, 9.4% for ages 30-44, 6.4% for ages 45-60, and 3.4% for persons 61 and older). A similar

trend was also found with number of criminal citations issued for theft (28.3% for individuals 18-29 vs. 18.4% issued for individuals 61 and older). It was more common for older offenders to receive a criminal citation for an alcohol related offense (27.8% for offenders 45-60, and 31.9% for those 61 and older). The issuance of criminal citations for business ownership violations was positively correlated to age (26.5% for individuals 61 & older compared to 3.0% for individuals 18-29 and 9.9% for those 30-44). This trend was similar for criminal citations related to alcohol offenses as well.

Table 8. Crime Categories by Offender's Age

	18-29	30-44	45-60	61+	Total
Alcohol	1,113 14.5%	1,191 20.7%	1,263 27.8%	302 31.9%	**3,869** **20.4%**
Business offenses	232 3.0%	567 9.9%	648 14.2%	157 16.6%	**1,604** **8.5%**
Controlled Dangerous Substances (CDS)	811 10.6%	541 9.4%	290 6.4%	32 3.4%	**1,674** **8.8%**
Disorderly Conduct/disturbing the peace	495 6.4%	263 4.6%	168 3.7%	22 2.3%	**948** **5.0%**
Failure to appear	2 0.0%	1 0.02%	2 0.04%	0 0.0%	**5** **0.03%**
Failure to obey law enforcement	150 2.0%	108 1.9%	66 1.5%	12 1.3%	**336** **1.8%**
Firearms	22 0.3%	7 0.1%	2 0.04%	0 0.0%	**31** **0.2%**
Fraud	23 0.3%	11 0.2%	2 0.04%	0 0.0%	**36** **0.2%**
Harm to a child/minor	66 0.9%	86 1.5%	12 0.3%	3 0.3%	**167** **0.9%**
Malicious destruction of property	151 2.0%	60 1.0%	35 0.8%	8 0.8%	**254** **1.3%**
Missing/Unknown	1 0.01%	1 0.02%	1 0.02%	0 0.0%	**3** **0.02%**
Other criminal	1,357 17.7%	477 8.3%	292 6.4%	62 6.5%	**2,188** **11.6%**
Other quality of life offenses	292 3.8%	297 5.2%	182 4.0%	48 5.1%	**819** **4.3%**
Theft	2,172 28.3%	1,484 25.8%	973 21.4%	174 18.4%	**4,803** **25.4%**
Trespassing	792 10.3%	656 11.4%	615 13.5%	128 13.5%	**2,191** **11.6%**
Total	**7,679** **100.0%**	**5,750** **100.0%**	**4,551** **100.0%**	**948** **100.0%**	**18,928** **100.0%**

Discussion and Recommendations

While these findings have been drawn from the available data, conclusions regarding the relationships between age and race/ethnicity and criminal citations should be cautiously interpreted and carefully utilized. Furthermore, the findings in this report do not necessarily indicate a direct relationship. It is important to note that observed variations among offenders due to age, gender, and race/ethnicity may be the result of confounding variables not captured by law enforcement agencies pursuant to SB 422/HB 261. Therefore, drawing conclusions based on the findings contained in this report could be problematic. This serves as the final report under SB 422/HB 261.