


FROM	NAME & TITLE	Alfred H. Foxx, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation 417 E. Fayette Street, Room 527		
	SUBJECT	City Council Bill 09-0354		

DATE: July 14, 2009

TO The Honorable President and Members
of the Baltimore City Council
c/o Karen Randle
Room 400 City Hall

I am herein reporting on City Council Bill No. 09-0354.

Stopping, Standing, or Parking citations – Request for Nolle Prosequi

For the purpose of modifying the local law governing the invalidation or cancellation of stopping, standing, or parking citations to conform to the requirements of State law; authorizing the Director of Transportation to request the State’s Attorney to Nolle Prosequi stopping, standing, or parking citations under certain circumstances, subject to certain limitations and requirements; and generally relating to the administration of stopping, standing, and parking violations.

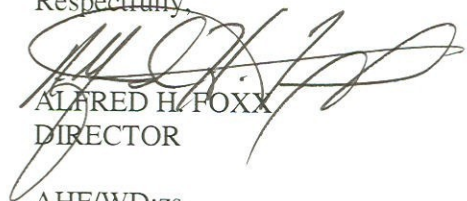
The Department of Transportation has reviewed City Council Bill 09-0354 Stopping, Standing, or Parking Citations – Request for Nolle Prosequi. The bill would give the Director of Transportation the ability to ask the States Attorney to Nolle Prosequi a violation that was determined to be erroneously issued. The bill would allow the Director of the Department to review photographs and/or written statements supplied by citizens to determine if a mistake was made.

The Department is hesitant to get into the business of evaluating photo evidence or personal statements for determining guilt or innocence. While we understand the sponsor’s intention to spare persons the ordeal of appearing in court, we would rather leave the final application of justice to the courts. The rules of evidence are part of the legal milieu.

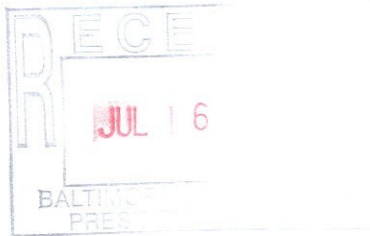
We believe that most citations written by our officers are properly issued. Though we cannot deny that mistakes are made, we believe they represent a miniscule part of the population of citations. Neither are we insensitive to public complaints. Whenever a procedural problem occurs, we are quick to address it and make every effort to see that it does not happen again.

Again, we appreciate the sponsor’s intent, but we do not approve the passage of the bill. We defer to the Law Department as to questions of legality.

Respectfully,


ALFRED H. FOXX
DIRECTOR

AHF/WD:zs



cc: Ms. Angela C. Gibson
Mr. Bill Driscoll
Mr. Jamie Kendrick
Mr. Frank Murphy

Unfur. Comment

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