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Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

V. Glenn Fueston, Jr.
Executive Director

August 31, 2016

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis MD 21401

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House, H-107
Annapolis MD 21401-1991

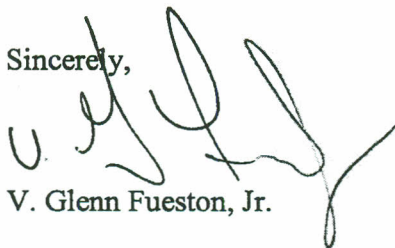
The Honorable Michael Erin Busch
Speaker of the House of Delegates
State House H-101
Annapolis MD 21401-1991

Dear Governor Hogan, President Miller and Speaker Busch:

As required by SB 422/Ch. 504, 2012/HB261/Ch. 505, 2012, please find enclosed a copy of the Maryland Statistical Analysis Center's Annual Report entitled, *Third Report to the State of Maryland Under SB 422* regarding data on the issuance of criminal citations in the State of Maryland.

Maryland's Statistical Analysis Center is located in the Governor's Office of Crime Control and Prevention. Should you have any questions relating to the information provided in this report, please feel free to contact me at 410-697-9338.

Sincerely,



V. Glenn Fueston, Jr.



Third Report to the State of Maryland Under Chapters 504 and 505 of 512 2015 Criminal Citations Data Analysis

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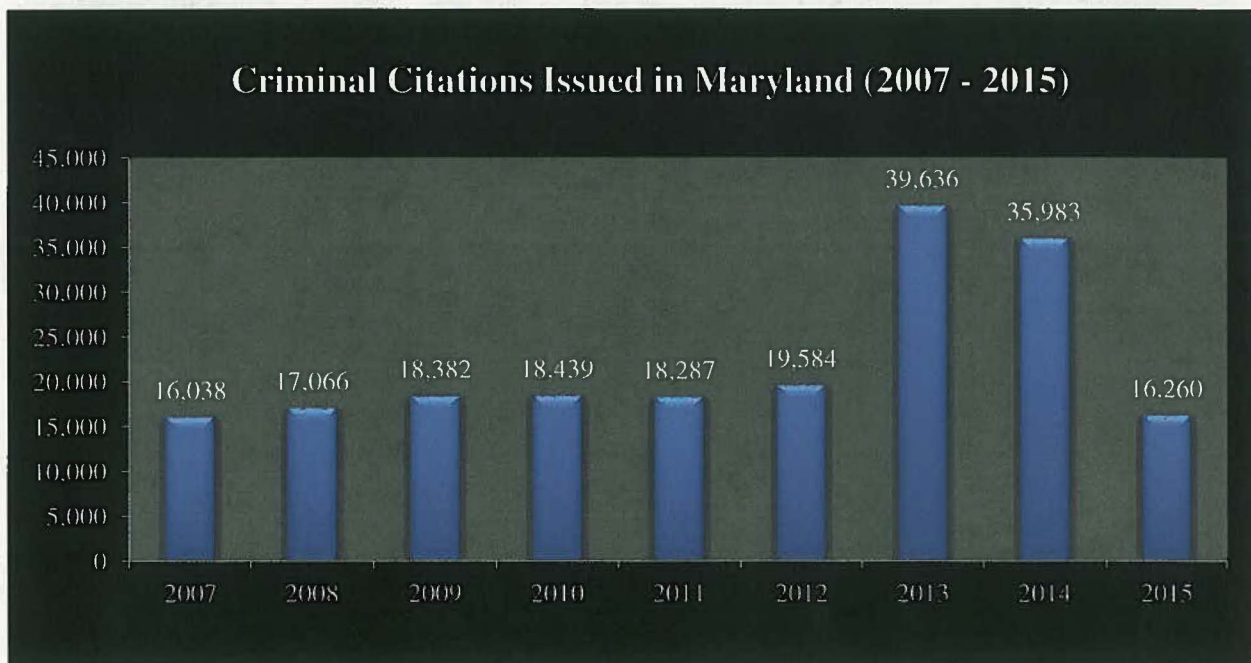
Submitted by: Governor's Office of Crime Control & Prevention
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MSAR # 9195 and 9230

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In 2012, the Maryland General Assembly passed Senate Bill 422/House Bill 261 (Chapters 504 and 505). The law mandates that, if the defendant meets certain criteria, 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. In total, this legislation added roughly 350 offenses in which law enforcement could issue a criminal citation in lieu of custody or continued custody.

Another component of this law requires all law enforcement agencies that issue criminal citations to report specific information regarding issued citations to the Maryland Statistical Analysis Center located in the Governor's Office of Crime Control and Prevention. This data only includes information submitted by law enforcement agencies and does not coincide with criminal citation data from the Administrative Office of the Courts. The Maryland Statistical Analysis Center is tasked with collaborating with the Police Training Commission and the Administrative Office of the Courts to develop a standardized data collection, analysis, and reporting process as required under the law. As depicted by the graph below, the number of criminal citations issued by law enforcement officers in Maryland had nearly doubled each year since this law took effect on January 1, 2013, and then took a sharp decrease with the passage of the SB 517 (2015) Use and Possession of Marijuana and Drug Paraphernalia which made the possession of less than 10 grams of marijuana and possession or use of any marijuana paraphernalia a civil offense.¹



¹ Criminal citations issued for CDS offenses (mostly marijuana related offenses) represented nearly 53% of criminal citations issued in 2013 and 56% of criminal citations issued in 2014.

METHODOLOGY

The 2016 report presents aggregate data on all eligible criminal citations that were issued by Maryland Law enforcement agencies in the 2015 calendar year. Data was submitted to the Maryland Statistical Analysis Center by each police department. The original data was submitted in Microsoft Excel and subsequently merged, standardized, and analyzed using IBM SPSS (Statistical Package for the Social Sciences) version 21 to formulate this report. IBM SPSS Statistics version 21 is a system package widely accepted 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, 2015 and December 31, 2015. *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 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;
- The defendant is not 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 from police departments regarding the issuance of criminal citations includes the:

Data Information	Units of Measure
Race/ethnicity of the offender	Caucasian, African American, Asian, Hispanic, Other
Gender of driver	Male, female
Age of the offender	17 and younger, 18-30, 31-44, 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

RESULTS

For the current reporting period, a total of 11,248 criminal citations were issued by 61 law enforcement agencies. The county of issuance for criminal citations is displayed in **Table 1**. The five largest counties in the state (Anne Arundel County, Baltimore City, Baltimore County,

Montgomery County, and Prince George's County) accounted for nearly 3/4 (73.2%) of all criminal citations issued in the state. Kent County, Somerset County and Caroline County had the fewest criminal citations issued. County of Issuance was not missing in any of the incidences.

Table 1. County of Criminal Citation Issuance		
	Frequency	Percent
Allegany County	109	1.0%
Anne Arundel County	3,923	34.9%
Baltimore City	1,107	9.8%
Baltimore County	861	7.7%
Calvert County	202	1.8%
Caroline County	10	0.1%
Carroll County	76	0.7%
Cecil County	255	2.3%
Charles County	487	4.3%
Dorchester County	177	1.6%
Frederick County	273	2.4%
Garrett County	56	0.5%
Harford County	95	0.8%
Howard County	192	1.7%
Kent County	8	0.1%
Montgomery County	279	2.5%
Prince George's County	2,061	18.3%
Queen Anne's County	21	0.2%
Somerset County	7	0.1%
St. Mary's County	192	1.7%
Talbot County	72	0.6%
Washington County	193	1.7%
Wicomico County	253	2.2%
Worcester County	339	3.0%
Missing/Unknown	0	0.0%
Total	11,248	100.0%

Table 2 displays the race/ethnicity of offenders issued criminal citations. This table does not account for all issued criminal citations due to missing or unknown race/ethnicity in 39 cases. African Americans and Caucasians were the primary recipients of criminal citations, accounting

for 48.8% and 43.3% respectively. Asians (1.3%), Hispanics (5.0%) and Other Non-Caucasians (1.3%) only accounted for approximately 7% of all criminal citations.

Table 2. Race/Ethnicity of Offenders Issued Criminal Citations			
	Frequency	Percent	Cumulative Percent
Asian	150	1.3%	1.3%
African American	5,488	48.8%	50.1%
Hispanic	561	5.0%	55.1%
Other Non-Caucasian	142	1.3%	56.4%
Caucasian	4,868	43.3%	99.7%
Missing/Unknown	39	0.3%	100.0%
Total	11,248	100.0%	100.0%

Chart 1 displays the gender statistics for offenders issued criminal citations. Gender information was missing or unknown in 1,774 cases. Nearly 60% of citation recipients were males, 25% were females, and for the remaining nearly 16% the information was unknown or missing.

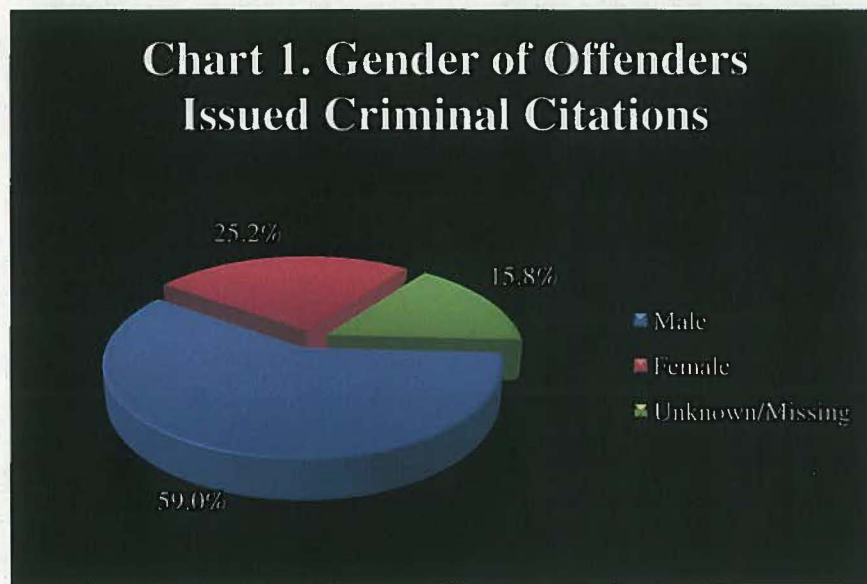


Table 3 displays the age breakdown of offenders who were issued criminal citations. Age was unknown or missing in 1,922 cases. A majority of criminal citations were issued to individuals 18-30 yrs (39.6%) followed by 31-44 yrs (20.4%). Criminal citations were least frequently issued to offenders 17 years and younger (0.1%).

Table 3. Age of Offenders Issued Criminal Citations		
	Frequency	Percent
17 & Younger	14	0.1%
18-30 yrs	4,456	39.6%
31-44 yrs	2,290	20.4%
45-60 yrs	2,182	19.4%
61 yrs & Older	384	3.4%
Missing/unknown	1,922	17.1%
Total	11,248	100.0%

Chart 2 displays statistics for the state of residence for offenders who were issued criminal citations. State of residence was missing or unknown in 4,777 cases. Of those cases where a state of residence of the offender was provided, the vast majority of offenders lived in state (88.4%) versus those who lived out of state (11.6%). **Chart 3** displays statistics regarding the time that criminal citations were issued. The data does not reflect all issued criminal citations due to missing time data in 444 cases. Most criminal citations were issued between 1600-2400 hours (43.7%) and 0800-1600 hours (43.1%) followed by 0000-0800 hours (13.2%).

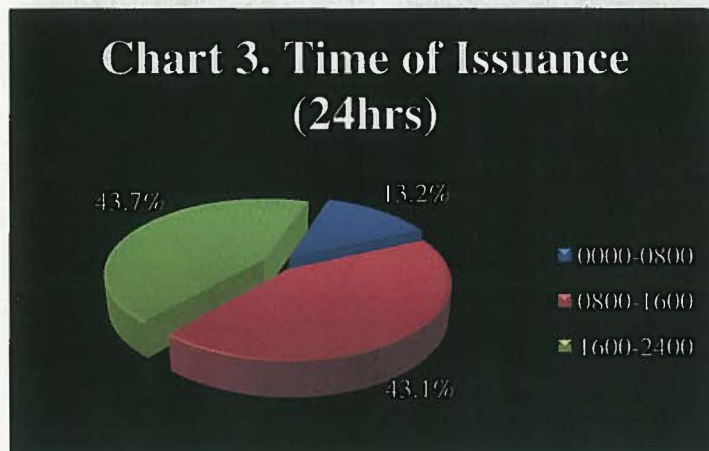
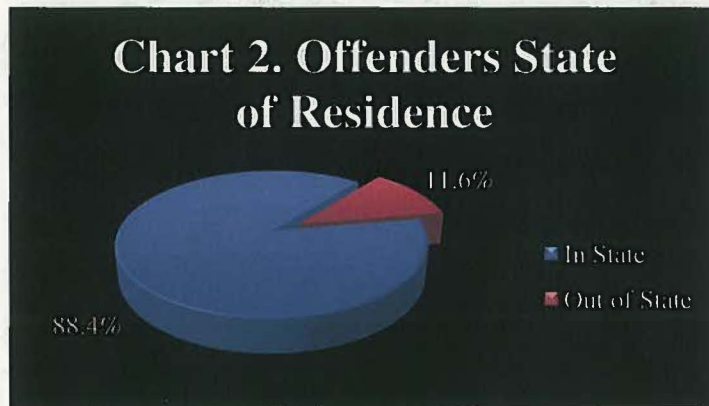


Table 4a displays the statistics for criminal citations issued by crime category. A specific crime category could be determined in 7,764 (69.0%) of incidents where a criminal citation was issued. Thefts were the most cited criminal offenses (38.3%) followed by controlled dangerous substances [CDS] (21.0%) and trespassing (12.4%). Combined theft and CDS offenses account for nearly 60% of criminal citations issued. Failure to obey law enforcement (2.2%), harm to a child or a minor (1.8%), and property offenses (1.3%) and were the least cited criminal violation categories. The legal definition and criminal code reference for the top ten issued criminal citation offenses is displayed in **Table 4b**. Combined, these ten offenses account for 81.2% of all issued criminal citations where a specific offense was reported. Two of the top five offenses were for theft related offenses. Two of the top ten offenses were for trespassing.

Table 4a. Citation Crime Categories		
	Frequency	Percent
Alcohol Related Offenses	690	8.9%
Controlled dangerous substances (CDS)	1,631	21.0%
Disturbing the peace/disorderly conduct	484	6.2%
Failure to Appear	1	0.1%
Failure to obey law enforcement	174	2.2%
Fraud	276	3.6%
Harm to a child/minor	138	1.8%
Property (destruction of property, vandalism etc.)	104	1.3%
Theft	2,975	38.3%
Trespassing	963	12.4%
Other quality of life offenses (loitering, littering etc.)	328	4.2%
Total	7,764	100.0%

Table 4b. Top 10 Criminal Citations by their Legal Definition			
Legal Definition	Criminal Code	Frequency	Percent
Theft: Less than \$100	CR 7-104 (3)	2,215	28.5%
CDS: possess paraphernalia	CR 5-303 (d)	1,353	17.4%
Theft less than \$1,000	CR 7-104	660	8.5%
Trespass: Private Property	CR 6-403	498	6.4%
Disorderly Conduct	CR 10-201 (c)(2)	371	4.8%
Trespass: Posted Property	CR 6-402	367	4.7%
Doing business without a traders license	BR 17-1804	272	3.5%
Alcoholic Beverage: Open Container at a Retail Establishment	2B 19-202	235	3.0%
Failure to display license	BR 17-2103	190	2.5%
Failure to obey reasonable/lawful order	CR 10-201(c)(3)	145	1.9%
Total: Top 10 citations		6,306	81.2%
Total number of citations issued with a specific offense		7,764	100.0%

Table 5 displays the statistics for criminal citations issued by crime category stratified by offender's age. The crime category was unknown in 3,688 cases and the age was unknown in 1,923 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 (27.8% for ages 18-30, 17.4% for ages 31-44, 11.0% for ages 45-60, and 8.3% for persons 61 and older). The number of criminal citations issued for quality of life offenses (disorderly conduct + other quality of life offenses + trespassing) was also more prevalent for older individuals (32.7% for persons 61 and older compared to 20.1% for persons ages 18-30 and 21.5% for persons ages 31-44).

Table 5. Crime Categories by Offenders Age

	17 & Younger	18-30	31-44	45-60	61 & Older	Total
Alcohol	1 10.0%	230 6.0%	211 11.1%	227 14.4%	15 5.7%	684 9.0%
CDS	1 10.0%	1,059 27.8%	331 17.4%	174 11.0%	22 8.3%	1,587 21.0%
Disturbing the Peace/ Disorderly Conduct	0 0.0%	266 7.0%	109 5.7%	83 5.3%	8 3.0%	466 6.2%
Failure to Appear	0 0.0%	0 0.0%	0 0.0%	1 0.1%	0 0.0%	1 0.0%
Failure to obey Law Enforcement	0 0.0%	107 2.8%	36 1.9%	23 1.5%	3 1.1%	169 2.3%
Fraud	1 10.0%	52 1.4%	79 4.2%	111 7.0%	31 11.8%	274 3.6%
Harm to minor	0 0.0%	55 1.4%	69 3.6%	8 0.5%	5 1.9%	137 1.8%
Other quality of Life Offenses	0 0.0%	84 2.2%	71 3.7%	83 5.3%	31 11.8%	269 3.6%
Property	0 0.0%	60 1.6%	20 1.0%	17 1.1%	5 1.9%	102 1.3%
Theft	5 50.0%	1,480 38.9%	745 39.1%	626 39.7%	96 36.6%	2,952 39.0%
Trespassing	2 20.0%	417 10.9%	231 12.1%	222 14.1%	47 17.9%	919 12.2%
Total	10 100.0%	3,810 100.0%	1,902 100.0%	1,575 100.0%	263 100.0%	7,560 100.0%

Table 6 and 7 displays statistics for the criminal citation crime categories stratified by race/ethnicity and collapsed by gender. The crime category was unknown in 3,470 cases and the gender or race was missing or unknown in 89 cases which were all excluded from this analysis. CDS related offenses were the most cited criminal violations across all race/ethnicities and gender. Overall, males were cited more frequently for CDS possession (23.2% compared to

16.7%) and alcohol violations (11.9% vs. 3.0%) than females. On the other hand, females were cited more frequently than males for theft (54.7% compared to 30.2%).

Caucasian males (29.6%) and African American males (18.4%) were cited more frequently for CDS possession than Asian (13.8%) or Hispanic males (15.8%). Hispanic males were cited more often for alcohol violations (35.9%) than other males including African Americans (12.6%), Caucasians (7.9%), Other Non-Caucasians (1.5%) and Asians (8.6%). Asians males (27.7%) were more likely to receive a criminal citation for other quality of life offenses than any other race/ethnicity. Other quality of life offenses can include, but are not limited to, indecent exposure, littering, loitering, fireworks related offenses, and failure to display identification.

Similar to males, CDS-related offenses had the highest frequency of issued criminal citations for females but this was not true for all race/ethnicities. Other Non-Caucasian females (25.8%) had the highest rate of CDS criminal citations followed by Caucasians (24.9%), African Americans (10.6%), Asians (2.6%) and Hispanics (2.3%). On the other hand, African American females were cited more often for theft (60.3%) followed by Asian females (53.8%), Hispanics (50.0%), Caucasians (49.1%) and other Non-Caucasian females (48.4%). Similar to males, Asian females (12.8%) were more likely to receive a criminal citation for other quality of life offenses than any other race/ethnicity.

Table 6. Crime Categories by Offenders Race/Ethnicity (Males)

	Asian	African American	Hispanic	Other Non-Caucasian	Caucasian	Total
Alcohol	5 8.6%	318 12.6%	116 35.9%	1 1.5%	169 7.9%	609 11.8%
CDS	8 13.8%	463 18.4%	51 15.8%	28 43.2%	644 29.6%	1,194 23.2%
Disturbing the Peace/ Disorderly Conduct	1 1.7%	190 7.5%	23 7.1%	1 1.5%	138 6.3%	353 6.9%
Failure to Appear	0 0.0%	0 0.0%	1 0.3%	0 0.0%	0 0.0%	1 0.0%
Failure to obey Law Enforcement	1 1.7%	81 3.2%	7 2.2%	1 1.5%	36 1.7%	126 2.5%
Fraud	12 20.7%	20 0.8%	12 3.7%	6 9.2%	142 6.5%	192 3.7%
Harm to minor	1 1.7%	13 0.5%	3 0.9%	0 0.0%	10 0.5%	27 0.5%
Other quality of Life Offenses	16 27.7%	66 2.7%	8 2.5%	2 3.1%	142 6.5%	234 4.6%
Property	0 0.0%	32 1.3%	6 1.9%	1 1.5%	33 1.5%	72 1.4%
Theft	9 15.5%	873 34.6%	45 13.9%	15 23.1%	614 28.2%	1,556 30.3%
Trespassing	5 8.6%	465 18.4%	51 15.8%	10 15.4%	246 11.3%	777 15.1%
Total	58 100.0%	2,521 100.0%	323 100.0%	65 100.0%	2,174 100.0%	5,141 100.0%

Table 7. Crime Categories by Offenders Race/Ethnicity (Females)

	Asian	African American	Hispanic	Other Non-Caucasian	Caucasian	Total
Alcohol	0 0.0%	37 3.0%	6 7.0%	0 0.0%	33 2.9%	76 3.0%
CDS	1 2.6%	132 10.6%	2 2.3%	8 25.8%	282 24.9%	425 16.7%
Disturbing the Peace/ Disorderly Conduct	0 0.0%	90 7.2%	3 3.5%	0 0.0%	28 2.5%	121 4.8%
Failure to Appear	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
Failure to obey Law Enforcement	0 0.0%	35 2.8%	3 3.5%	0 0.0%	5 0.4%	43 1.7%
Fraud	6 15.4%	13 1.0%	13 15.1%	3 9.7%	48 4.2%	83 3.3%
Harm to minor	1 2.6%	71 5.7%	3 3.5%	3 9.7%	33 2.9%	111 4.3%
Other quality of Life Offenses	5 12.8%	23 1.8%	5 5.8%	1 3.2%	55 4.9%	89 3.5%
Property	0 0.0%	20 1.6%	3 3.5%	0 0.0%	7 0.6%	30 1.2%
Theft	21 53.8%	753 60.3%	43 50.0%	15 48.4%	556 49.1%	1,388 54.7%
Trespassing	5 12.8%	75 6.0%	5 5.8%	1 3.2%	86 7.6%	172 6.8%
Total	39 100.0%	1,249 100.0%	86 100.0%	31 100.0%	1,133 100.0%	2,538 100.0%

DISCUSSION AND RECOMENDATIONS

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. Further, the findings in this report do not necessarily indicate a direct relationship. It is also 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.