

BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 18-07 SECTION F

MARIJUANA- UNIFORM CIVIL CITATION Approved: June 12, 2018

This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. Background
- IV. Definitions
- V. Procedure
- VI. Required Action
- VII. Effective Date

I. DIRECTIVE

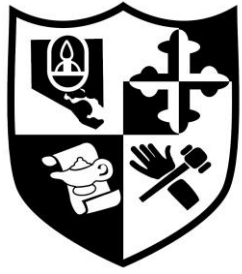
The issuance of a citation for the use of possession of less than 10 grams of marijuana is at the discretion of the issuing officer or their supervisor in keeping with the best interest of the citizen, the officer, and the department and the officer may not to use bias-based policing when deciding whether or not to issue a Uniform Civil Citation for possessing less than 10 grams of marijuana

II. PURPOSE

This General Order is to provide officers with procedures for when encountering people using or possessing less than 10 grams of marijuana. The Annotated Code of Maryland, Criminal Law Article, § 5-601 repeals criminal penalties and imposes civil fines for anyone possessing less than 10 grams of marijuana.

III. BACKGROUND

Although the use or possession of less than 10 grams of marijuana is a civil offense under Md. Code Ann., Crim. Law, § 5-601, marijuana in any amount is still considered contraband under State law. The odor of marijuana constitutes probable cause to investigate possible criminal activity. Md. Code Ann., Crim. Law, § 5-601 does not affect the current laws governing Driving Under the Influence of or Driving While Impaired by a controlled dangerous substance, or the laws governing seizure and forfeiture. Additionally, officers should be aware that when investigation leads to evidence that supports charges for possession with intent to distribute, distribution, or manufacture of marijuana, criminal charges are warranted, regardless of the amount of marijuana recovered.



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 18-07 SECTION F

MARIJUANA- UNIFORM CIVIL CITATION Approved: June 12, 2018

Although the possession of paraphernalia is still a criminal offense for which a member may arrest individuals, members shall not arrest for possession of paraphernalia in situations where the only other contraband recovered is less than 10 grams of marijuana.

IV. **DEFINITIONS**

Civil CDS- The subject of miscellaneous reports, concerning less than 10 grams of marijuana. The Computer Aided Dispatch (CAD) code is 87c.

Uniform Juvenile Civil Citation- A State Juvenile Civil Citation, from the District Court of Maryland. This is the only citation to be used to cite a juvenile for use of possession of less than 10 grams of marijuana.

Juveniles 17 years of age and younger are not eligible to pay the fine; they must appear in court.

NOTE: This is only required for juvenile citations.

V. **PROCEDURE**

1. Officers, who encounter juveniles 17 years of age and under using or possessing less than 10 grams of marijuana **MUST** issue Uniform Juvenile Civil Citations by which the juvenile must appear at a hearing with the Department of Juvenile Services (DJS). A hearing date will be set and entered by DJS. Intake, upon receipt of the civil citation shall leave the hearing date space blank.
2. The member must write:
 - a. A Miscellaneous Incident report for the seized Civil CDS, to include probable cause
 - b. A Citizen/Police Contact Receipt for the Field Interview/Investigation, and
 - c. For all Investigative Stops that do not result in an arrest, adhere to the following reporting requirements:
 - i. Obtain a Central Complaint Number and record that number in the "CC#" box.



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 18-07 SECTION F

MARIJUANA- UNIFORM CIVIL CITATION Approved: June 12, 2018

secure facility and cannot be used for this purpose. If a juvenile needs to be detained for this purpose it must be done at the Front Entrance of BJJC.

8. After issuing the Uniform Juvenile Civil Citation, an Incident Report will be written for Civil CDS and the citation must be attached to the report and sent through proper channels. Submissions of CDS will be done per departmental guidelines.

Adults 18-20 years of age are not eligible to pay the fine. They must appear in court.

If an adult between the age of 18-20 (inclusive) is in possession of less than 10 grams of suspected marijuana, a Uniform Civil Citation may be issued; “must appear” shall be marked in addition to completing the following:

1. A Citizen/Police Contact Receipt,
2. A Miscellaneous Incident report, to include a property listing and probable cause.
 - a. When a citation is not issued, the incident is recorded as Recovered Property.

Adults 21 years of age or older are eligible to pay the fine or appear in court.

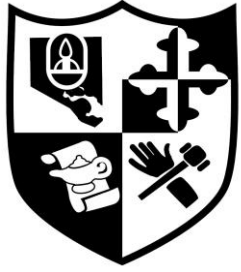
1. Officers, encountering a person 21 years of age or older possessing less than 10 grams of marijuana, may use their discretion in issuing a Uniform Civil Citation, which imposes a fine.

Since the law recognizes marijuana as contraband officers shall seize the contraband and submit the evidence/contraband to the Evidence Control Unit (ECU) of the BPD.

2. A Citizen/Police Contact Receipt must be issued and a Miscellaneous Incident Report written.

EXCEPTIONS

The following offenses are still illegal and officers may still arrest where:



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 18-07 SECTION F

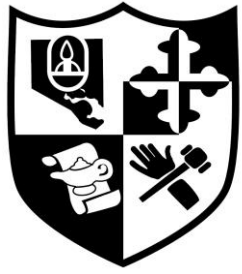
MARIJUANA- UNIFORM CIVIL CITATION Approved: June 12, 2018

1. Investigation establishes a violation of the laws, relating to operating a vehicle or vessel while under the influence of or while impaired by a controlled dangerous substance.
2. Investigation establishes a violation of laws, prohibiting or regulating the use, possession, dispensing, distribution or promotion of controlled dangerous substances.

VI. REQUIRED ACTION

Member - General

1. Conduct a warrant check.
2. Use discretion in the issuance of a Uniform Civil Citation.
 - a. Record the probable cause on the reverse of the Officer's copy, titled "Officer's Notes".
3. Complete a Citizen/Police Contact Receipt.
4. Complete a Miscellaneous Incident Report, titled "Civil CDS".
 - a. Regardless of the member electing to issue a Uniform Civil Citation or not, complete a Miscellaneous Incident Report for the seized contraband.
 - b. When requesting a CC#, notify the dispatcher it is for Civil CDS.
5. If a suspect is charged by Uniform Civil Citation, any associated Crime/Incident Report must include detailed information describing the incident, probable cause, and disposition of the evidence by means of property submission per departmental guidelines.
6. If a suspect has committed any combination of criminal offenses and civil offenses, the criminal offense shall take precedence and:
 - a. The suspect shall be arrested and criminally charged in accordance with existing



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 18-07 SECTION F

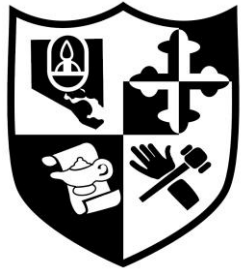
MARIJUANA- UNIFORM CIVIL CITATION Approved: June 12, 2018

departmental policy and rules and regulations.

- b. No Uniform Civil Citation shall be issued. A Miscellaneous Incident report is required to record the disposition of the recovered property.
7. When issuing citations for less than 10 grams of suspected marijuana the member must:
 - a. For individuals, who are 21 years old and above, the officer must check the “MAY PAY A FINE” box and indicate the prepay amount of \$50. Payment may be made at any District Court of Maryland location, and check the “MAY ELECT TO STAND TRIAL” box. The hearing date will be set by the District Court. The respondent will be notified by mail.
 - b. Officers, who issue a Uniform Civil Citation for possession of less than 10 grams of marijuana, must, in the absence of an official measurement, rely upon their training, knowledge, and experience to determine the unpackaged weight of less than 10 grams to meet the requirements of a citation. This evaluation must be documented by the officer in the reports pertaining to the incident.
 - c. Should the person refuse to sign the Uniform Civil Citation, the officer will write “Refused to Sign” on the signature line of the citation.
 - d. Appear for court when summoned.

NOTE: Court appearances for Civil CDS of marijuana less than 10 grams citations will be held at the Eastside Court.

8. The officer must inform the adult (21 years of age and over) that if he/she chooses to elect a hearing on the citation, the Court may impose up to a \$100.00 fine plus court costs.
9. Ensure all reporting and submissions are completed by the end of your tour of duty.
 - a. Write on the Uniform Civil Citation for less than 10 grams of marijuana and associated reports that the “weight is less than 10 grams”.



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 18-07 SECTION F

MARIJUANA- UNIFORM CIVIL CITATION Approved: June 12, 2018

- b. All citations are to be turned in to the officers' Command.

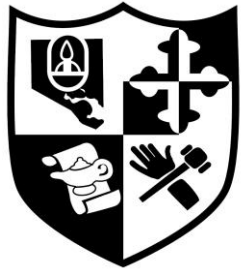
Evidence Control Unit (ECU) Submission

All seized CDS must be submitted to ECU:

1. When members enter ECU, the member must respond to the receiving counter and advise ECU staff that he/she is in the possession of marijuana of less than 10 grams.
2. The submitting officer will be directed to take the marijuana out of its packaging and place it on the scale at the desk.
3. The submitting officer and ECU staff will follow regular submission protocol.
4. The submitting officer will fill out the BPD Property Receipt, Form 56, and will include the weight of the marijuana in their description of the marijuana in the description box.

Supervisor – General

1. Monitor the enforcement decisions made by a subordinate, who is investigating a Uniform Civil Citation-eligible offense.
2. Review/sign every citation and associated reports to check for completeness and that the issuing member operated within the laws of the State of Maryland and the Rules and Regulations of this agency.
 - a. The citation is to be signed by the supervisor at its top right portion.
3. If a citation is not correct or complete, void the citation. If incident reports are not correct or complete to include a property listing and probable cause, return the incident report to the reporting officer for correction.
 - a. Should the Uniform Civil Citation be deemed insufficient, have the issuing officer write an Administrative Report, Form 95, citing the found deficiency and requesting it be voided. The Administrative Report must be attached to the citation and



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 18-07 SECTION F

MARIJUANA- UNIFORM CIVIL CITATION Approved: June 12, 2018

forwarded to the Central Records Section.

4. Ensure all reporting and submissions are completed by the end of your tour of duty.
 - a. Attach a photocopy of the police report to the citation and Citizen/Police Contact Receipt. Submit same to the district report auditor.
 - b. The Citizen/Police Contact Receipt must be submitted with the citation and copy of the report.

District Report Auditor

1. Review/sign every Uniform Civil Citation and associated reports to check for completeness and that the issuing member operated within the laws of the State of Maryland and the Rules and Regulations of this agency.
2. Print the CAD sheet for State Civil Citation, code 87c, (Civil CDS).
3. Complete 4 transmittal sheets in sequential order by CC# for:
 - a. Payable fines packet
 - b. Must appear packet
 - c. Juvenile packet
 - d. Voided packet
4. If a citation is not correct or complete, void the citation. If incident reports are not correct or complete to include probable cause, return the incident report to the reporting officer for correction.

NOTE: These packets must be separate from the regular Records Management System (RMS) packet and sent directly to Staff Review on the next business day after issuance of citation.



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 18-07 SECTION F

MARIJUANA- UNIFORM CIVIL CITATION Approved: June 12, 2018

Administrative Staff Member/Property Officer

Collect all Uniform Civil Citations that have been issued by your Command on a daily basis and deliver to Staff Review.

Common reasons for voiding Uniform Civil Citation

1. Use of a citation other than the Uniform Civil Citation,
2. Wrong fine recorded on the citation,
3. The Officer assigns a court date on the citation (Only the court assigns appearance dates.),
4. The Officer cites incorrect charge.
5. Only use MD Code Provision: Criminal Law (CL) 5 601 (c) (2) (II).

Staff Review

1. Review the Uniform Civil Citation packets received from district/sections for correctness and completeness.
 - a. If a citation is not correct or complete, void the citation. If incident reports are not correct or complete to include property listing probable cause, return the incident report to the reporting Command for correction.
 - b. Have the delivering member correct any found deficiencies with the Transmittal Forms. Send only the completed/correct Uniform Civil Citation packets to the Eastside District Court within 48 hours of the citation being issued.
2. Forward to the respondents, whose citations have been voided, a letter notifying them to disregard the Uniform Civil Citation.

Records Management Systems



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 18-07 SECTION F

MARIJUANA- UNIFORM CIVIL CITATION Approved: June 12, 2018

1. Receive and process Uniform Civil Citations and related reports.
2. The Uniform Civil Citations and reports for juveniles must be delivered to DJS Intake.

Evidence Control, Commander

Marijuana submitted for Uniform Civil Citation/Civil CDS cases will not be analyzed and may not be destroyed, unless specifically notified by the primary member in the case.

Legal Affairs Section

Receive copies of all the Uniform Civil Citations from the property officers within the agency.

Commanding Officer

1. Ensure your unit/district has an appointed member deliver recorded Uniform Civil Citations and transmittal forms to the appropriate places.
2. Uniform Civil Citations and associated reports for juveniles must be filed separately from adults.

VII. EFFECTIVE DATE

This Order shall be effective on the date of publication.

I certify that I have read and fully understand this Order.

Signature _____ Date _____