

## Traffic Citations

### 516.1 PURPOSE AND SCOPE

Best Practice

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### 516.2 RESPONSIBILITIES

Best Practice MODIFIED

The Traffic Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

#### 516.2.1 CITATION BOOK ISSUE

(a) Upon receiving a citation book, the officer should write, in ink, his/her name, serial number, division, and date of receipt on the front cover of the book.

(b) LOST - When a citation book is lost, a memorandum shall be submitted to the employee's supervisor for routing and then be forwarded to the Division Chief.

#### 516.2.2(b) LOST CITATIONS

When a completed citation has been lost, the citing officer shall:

(a) Submit a memorandum to the immediate supervisor for review and forwarded to the Division Chief, stating that the citation was lost.

### 516.3 DISMISSAL OF TRAFFIC CITATIONS

Best Practice MODIFIED

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Sergeant may request the Field Services Division Chief to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required.

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#### 516.4 VOIDING TRAFFIC CITATIONS

**Best Practice** **MODIFIED**

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Field Services Division Chief for review and then on to the Records Bureau for filing.

##### 516.4(a) SUPERVISORY REVIEW

Supervisors should routinely review citations issued by their subordinates, with special attention given to completeness, legibility and accuracy, to ensure the following is correct in order to avoid errors, as errors

or an omission in certain items may invalidate the citation, a positive check shall be made on the:

1. Date of the offense.
2. Correct section cited.
3. Cited speed and speed zone in speed violations.
4. Signature of the violator.
5. Valid court appearance date.
6. Confirm that the violator is cited into proper court by checking listed date of birth.

#### 516.5 CORRECTION OF TRAFFIC CITATIONS

**Best Practice** **MODIFIED**

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter or form requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records Bureau. The Traffic Bureau shall forward the letter or form to the court having jurisdiction and to the recipient of the citation.

#### 516.6 DISPOSITION OF TRAFFIC CITATIONS

**Best Practice**

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Bureau.

#### 516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

**State**

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

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#### 516.7.1 APPEAL STAGES

##### Best Practice

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Traffic Bureau who will review written/ documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Indio Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

#### 516.7.2 TIME REQUIREMENTS

##### State

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

#### 516.7.3 COSTS

##### State

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).

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- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

#### **516.8 JUVENILE CITATIONS**

**Best Practice** **MODIFIED**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation. Juvenile traffic citations shall be referred to traffic court and officers must check off the box on the citation indicating a parent or guardian must accompany the juvenile on the given court date.