

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

CITATION BOOK (TRAFFIC VIOLATIONS)
SUBJECT

DATE: January 18, 2007

NO: O-3

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: Citation Book Traffic Violations
Owner Responsibility Citations
Special Violations C.V.C. 23103,23104,23109
Traffic Notice to Appear

I. POLICY

Notice to Appear Citation Books are issued to personnel and will be used for all citable offenders. One uniform citation will be used to cite all criminal and traffic violators (except parking violators). Additional books are available from the Support Services Division/Records.

II. PROCEDURE

A. The citation form is basically self-explanatory for required information. The following is an aid to make completion clearer:

1. Traffic/Non-Traffic/Misdemeanor boxes. Mark them "Traffic" box if the citation is issued for traffic charges, e.g., moving violations. Mark the "Non Traffic" box for non-moving violations or felony charges, e.g., juvenile burglary suspect. Mark the "Misdemeanor" box for non-traffic misdemeanor violations, e.g., petty theft.
 - a. Parking violations/violators cannot be cited on a Notice to Appear.
2. Date is written with six digits, e.g., mm/dd/yy.
3. Time is written in 24-hour increments (military time) with the appropriate A.M., P.M. box checked.
4. Complete names, addresses (home and business), and zip codes must be obtained. Officers must confirm the violator's current home address and not rely solely upon the driver's license information.
5. Birth date is written with six digits, e.g., mm/dd/yy.
6. "Juv" box is checked if the cited subject is a juvenile.
7. In put appropriate gender symbol (m-male, f-female).
8. Other description (race) will be completed by marking the appropriate letter code for the RMS system:

W - White,	B - Black,	H - Hispanic,	I - American Indian/Alaskan,
C - Chinese,	J - Japanese,	F - Filipino,	P - Pacific Islander,
D - Cambodian,	L - Laotian,	K - Korean,	V - Vietnamese,
G - Guamanian,	S - Samoan,	U -Hawaiian Polynesian,	
Z - Asian Indian (also Arabic),	O - other, and X - unknown.		
- 9,. Financial Responsibility Box. All accident investigations that result in the issuance of a citation for traffic violations are required to have the insurance policy name and number entered in this box. If the driver being cited does not have proof of insurance, write NONE in this box.

10. Case number box. If a D.R. number is assigned to an incident, record the D.R. number in the appropriate box.
 11. Citing officer will check the "Booking Required" box, as appropriate, pursuant to Penal Code 853.6. A "Booking Required" requires the magistrate to have the cited subject booked in the jail after appearing in court.
 - a. Generally, a cited person will be booked on any charge for which incarceration is a possible punishment (except: 11357b H&S, 647F P.C., 25662 B&P, and local ordinances).
- B. "Violation Charged" Section must be completed in a specific manner.
1. Box listed as "Eligible for Dismissal (V.C. 40610)".

Section 40610(b) C.V.C. provides that if an officer issues a citation for an equipment violation or an offense subject to Section 40303.5 C.V.C., it is the officer's discretion to either mark the box or not.

If the box is marked, the party need only show proof of correction and pay a nominal "Proof of Correction" fee. If the box is left blank, conditions set forth by the court will apply as now listed in the bail schedule.
 2. "Code" refers to statute, e.g., C.V.C., P.C., or S.M.C.
 3. "Section" refers to a particular portion of the statute, e.g., 22350 (C.V.C.), 484 (P.C.), or 5-048 (S.M.C).
 4. "Description" is a written explanation of the section used.

Example:

CODE	SECTION	DESC.
CVC	23152(b)	D.U.I.
CVC	24603	No Stop Lamps
 5. Cont. Form Issued box. To be checked if a citation continuation form is utilized.
 6. Approx. speed-P.F./Max Speed-Veh. Speed Limit-Safe Speed-Radar. If a driver is cited for a speeding violation, complete appropriate boxes.
 7. Location of Violation(s) box. Primary street and nearest cross street are to be placed in this location, e.g., Pacific/March Lane or Lincoln/Fifth. Addresses, e.g., 4660 Pacific and 1810 S. Lincoln are to be avoided if possible.
 8. Date, Arresting or Issuing Officer, and ID number should all be clearly and legibly written.
- C. If a person is cited, information must be provided as to when and where to appear. The following will be completed when a citation is issued and (X) is to be placed in the appropriate box:
1. The date for traffic court appearances will be listed on the "Hot Sheet" each day. For all other matter, refer to the most current court date postings.
 - a. Advise the cited subject to allow five court days for the citation to be filed.
- D. When citing a person, the citing officer will advise the subject when and where to appear, either verbally or by advising the subject that they will receive a date by mail.
- E. Citations never require the person to appear Saturdays, Sundays, or holidays.
- F. Owner responsibility citation (VC 40001a) (Commercial enforcement only).
1. Whenever a citation is issued for a mechanical or equipment violation under the owner's responsibility (VC40001a), this format shall be followed on the Department "Notice to Appear Citation".

- a. This section will be applicable only for the driver, and not the owner, of a commercial vehicle, e.g., tractor/trailer, rent-a-car.
 - b. Except for an extraordinary circumstance, this section will not be used for privately owned vehicles.
2. In the event a citation is to be issued for a mechanical (equipment) violation and it is to be issued as "Owner's Responsibility (40001a C.V.C.)", complete the citation using the driver's name, address, D.O.B., etc., and list the R/O in the appropriate area. In the area for signature, write "Owner's Responsibility 40001(a) C.V.C."
- a. The issuing officer must get the vehicle owner's name and business address from the driver, if it is different than the R/O. (This name is that of the person responsible for correction of the mechanical or equipment violation).
 - (1) This information will be written in the left hand margin of the citation, as well as the area for R/O of the vehicle.
 - b. After the citation is completed, it will not be broken down.
 - c. The driver will not receive a copy of the citation.
 - d. All three copies will be placed in the Department's citation safe.
 - e. Mailing date will be indicated on all three copies prior to separation and mailing by the Records Section.
 - f. The violator's copy will be mailed to the owner.
3. If the driver (someone other than the registered owner) is stopped for a moving violation (red light, speeding, etc.), and there is also a mechanical and/or equipment violation involved, the officer will issue two citations. This will only be on rare occasions and must be articulated on the back of the owner responsibility (40001a C.V.C.) citation.
- a. The first citation will be for the mechanical or equipment violation and the second for the moving violation. Both will be issued in the name of the driver. The mechanical (40001a C.V.C.) citation will not be signed and no copy given to the vehicle operator.
- G. Citations issued pursuant to an accident investigation:
1. Citations will not be issued at the scene of an accident that is being investigated unless the violation is committed in the presence of the investigating officer (see General Order T-1). For "report only" collisions, a citation may be issued for limited offenses.
- a. Investigating officer duties:
 - (1) Complete the investigation.
 - (2) Complete Forms 555 and 556 (Traffic Collision Report) to include the narrative justification and/or recommendation that a citation be issued after review of the report by the Traffic Section.
 - (3) Complete and attach the citation to the accident report, turning both into traffic. Leave the block for signature blank and the traffic review officer will complete this and mail the pink copy of the citation to the listed driver.

NOTE: All other areas should be completed, as would be for a normal moving citation.

 - (a) Check "The Offense Not Committed In Officer's Presence" box.
 - b. Upon receipt of the accident report and citation, Traffic Section will:
 - (1) Review the accident report and complete any follow-up that might be

necessary.

- (2) If, after review and follow-up, it is determined that sufficient grounds exist for issuance of a citation by the reviewing officer, he will date the citation and write "Complaint Filed" in the violator's signature block. If no grounds exist, the citation will be voided.
- (3) After the citation has been approved, a "Notice to Defendant" form letter will be completed in three copies and distributed as follows:
 - (a) The original will be attached to the court's copy of the citation and sent to the court.
 - (b) The second copy will be attached to the department's copy of the citation and retained in Records.
 - (c) The third copy will be attached to the violator's copy of the citation and mailed.
- (4) If the violator's copy is returned due to a wrong address, a reasonable effort will be made to make notification.
- (5) If the violator fails to appear in court within the specified time, the Traffic Section will be notified by the court. They will seek a formal complaint through the District Attorney's Office.

c. Section 40300.5 C.V.C. provides for the arrest of a person involved in a traffic accident when the officer has reasonable cause to believe that such person has been driving while under the influence of intoxicating liquor and/or any drug. When this occurs, all related traffic charges will be lodged at the time the subject is booked into jail.

H. Special Violations (23103, 23104, and 23109 C.V.C.)

1. Officer's issuing a citation for 23103 C.V.C., 23104 C.V.C., or 23109 C.V.C. shall complete an arrest report regardless if subject is booked or cited and released.
2. Officer's issuing a citation for 23109 C.V.C. or 23103 C.V.C. shall impound the vehicle for 23109.2 C.V.C.

I. Dismissing and voiding parking and moving citations.

1. See General Order O-4 for dismissing parking citations.
2. Officers must complete a request for citation dismissal or void form (SPD form 4349 (rev. 1985) in order to have a moving citation dismissed. Once form is completed, Officers must attach request form to the citation. The citation and dismissal can be placed in the citation box located in Records Section or into the Traffic Section.

J. Court preparation.

1. The reverse side of the pink copy of the citation has space for the officer's notes and/or remarks for court. Officers shall utilize this space to make notes for future possible court testimony. When this portion is used, make certain the carbon paper has been removed.

K. Officers may not cite an adult for both criminal and traffic offenses on the same citation (see General Order O-1). The sample citations (pages 8-9) are included as a guide in properly completing the Notice to Appear.

1. If an adult is cited for a criminal charge (whatever it may be) and is to be cited for traffic offenses also, two citations will be issued. The criminal citation will direct the suspect to the appropriate department of the court house. The traffic citation will direct the suspect to appropriate traffic court. Both citations require a signature.
2. If a juvenile is cited for both criminal and traffic violations, two citations will be issued.

- a. For both criminal and traffic charges, the juvenile will not be given an appearance date. Officers will write "TO BE NOTIFIED BY PROBATION" in the date and time box. The juvenile will sign in the block for defendant's signature and the parent or guardian will sign in the block at the bottom of the citation. The parent/guardian must include a phone or message phone number.
 - b. Citations issued for traffic violations only do not require a parent/guardian signature.
- L. All Stockton Municipal Code (S.M.C.) violators (both adult and juvenile) will receive a separate citation for S.M.C. violations. S.M.C. violations cannot be combined with a criminal and/or traffic charge.
- M. Citations of city employees operating city equipment
 - 1. Any employee of the Stockton Police Department who issues a traffic citation (not including parking citations) to any city employee, while said employee is operating city equipment, including off-duty employees operating city equipment while off-duty, must notify the Stockton Police Department's Traffic Section, of the traffic violation and citation.
 - 2. The Department employee issuing the citation will make notification to the Traffic Section by completing an S.I.R. detailing the violation and citation.
 - a. Information required in the S.I.R. includes the name of the cited city employee, cited employee's driver's license number, license number or V.I.N. of the city equipment, city department employing the cited employee, nature of the violation, date, time, location of violation, and citation number.
 - 3. The Traffic Section will advise the cited employee's department head of the incident so documentation and training may be accomplished.