

Traffic Citations

505.1 PURPOSE AND SCOPE

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

505.2 RESPONSIBILITIES

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.

505.3 DISMISSAL OF TRAFFIC CITATIONS

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 Operations Division Commander 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.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a notice of correction. The citation and notice of correction forwarded to the court having jurisdiction and to the recipient of the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The citation shall be filed with the Records Division.

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

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

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

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505.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

- (a) Administrative reviews are conducted by the Traffic Unit who will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Unit of the Redding 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.

505.7.2 TIME REQUIREMENTS

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).

505.7.3 COSTS

- (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.

505.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles are not given a date/time to appear. Officers are to check the "to be notified" box on the citation for juveniles. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

505.9 CITATIONS ISSUED DURING COLLISION INVESTIGATIONS

- (a) Officers should pursue prosecution of persons involved in a collision if there is sufficient evidence to prove a violation was committed. If a citation is not issued the officer shall list the reason in the report (i.e., no independent witness). Citations issued shall be attached to collision reports.
- (b) Per 40600 CVC, officers who have completed a course in the investigation of traffic accidents may issue a citation to any person they have reasonable cause to believe caused a traffic accident.
- (c) Officers should use the following criteria to determine whether issuing a citation is appropriate:
 1. Officers should not issue a citation when the driver is arrested or a complaint is sought for more serious violations, and the issuance of the citation could result in a "double jeopardy" situation.
 2. Officers may decide not to issue a citation when the party at fault is the only injured party and/or the vehicle of the party at fault is the only damaged vehicle.
 3. Officers may decide not to issue a citation when there is only minor damage to the vehicle of the party not most at fault for the collision.