



Approved:
Chief Marcia Harnden

Subject:

340. Traffic Citations

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340.1: PURPOSE AND SCOPE

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

340.2: POLICY

It is the policy of the Albany Police Department to maintain a secure and accountable system of issuing blank citation forms to employees, and to issue citations to offenders for traffic violations.

340.3: BLANK CITATIONS

- a. The Records and Systems Supervisor shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.
- b. The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.
 - 1) Blank citation books shall be stored in a secure area and their issuance to employees shall be logged.

340.3.1: ISSUANCE OF CITATIONS

Generally, employees issuing citations should be doing so through the electronic Records Management System from their mobile computers. References in this policy to multiple copies of a citation refer to handwritten carbon-copy paper citations.

340.4: DISMISSAL OF CITATIONS

- a. Dismissal of traffic citations falls under the jurisdiction of the court.
- b. Any violator request for dismissal of a citation shall be referred to the appropriate court to which the citation was submitted.

- c. If an officer determines, after the issuance of a citation, that the citation should be dismissed, the officer may submit a request for dismissal to their immediate supervisor, articulating the reason for the request. If the supervisor approves the request, the officer shall forward the request via email to the court for review and to the Records and Systems Supervisor for file maintenance.

340.4.1: "FIX-IT" TICKETS

- a. Officers have the discretion, and are encouraged, to allow violators to fix an equipment violation prior to their court date and ultimately have the citation voided.
- b. Officers should advise the violator that the equipment violation citation can be voided through Municipal Court if these steps are followed:
 - 1) The officer marks the equipment violation on the ticket with the words "fix it";
 - 2) The violator corrects the equipment violation;
 - 3) The violator shows the equipment repair to any member of this Department;
 - 4) The member signs off on the violator's copy of the citation, acknowledging that the violation has been fixed and stamping the citation with the words "Fix It".
 - 5) The violator brings the proof of correction on the citation to the Municipal Court prior to the court date.

340.5: VOIDING TRAFFIC CITATIONS

- a. Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued.
- b. Officers wishing to void a citation which has been submitted to RMS shall notify the Records and Systems Supervisor, as well as the court, that the citation should be voided.

340.6: CORRECTION OF TRAFFIC CITATIONS

- a. When an Albany Municipal Court traffic citation is issued and in need of correction, the officer issuing the citation shall email the court using the email distribution list "APD2COURT" and complete a paper amendment ([Citation Amendment Req To Judge: Form A51](#)) requesting the specific correction.
- b. For all other courts, a U.C.C. Amendment form (A51) requesting a specific correction shall be completed and forwarded with the citation to the court having jurisdiction.

340.7: DISPOSITION OF TRAFFIC CITATIONS

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

340.8: JUVENILE CITATIONS

- a. The procedure for issuing a violation citation to a licensed driver who is a juvenile is the same as the procedure for adult violators as outlined in this policy.
- b. Officers should follow the guidelines set forth in [Temporary Custody of Juveniles: Policy 517](#) when deciding upon disposition of juveniles in incidents other than routine traffic citations.

340.9: CITIZEN TRAFFIC CITATIONS

The Albany Police Department members will cooperate with and assist citizens who wish to issue and prosecute traffic citations in Municipal Court for traffic offenses which occur in the citizen's presence.

In the interest of efficiency and effectiveness for the department and the court, members have a responsibility to advise citizens whether the particular circumstances involved are appropriate for the citizen to issue a traffic citation and to propose other options when they would be more appropriate, including verbal and written warnings.

340.9.1: AUTHORITY

A private citizen may commence an action for a traffic offense by certifying before a magistrate, clerk, or deputy court clerk ([ORS 153.058](#)). The Albany Municipal Court has designated Albany Police Lieutenants and Sergeants as deputy court clerks.

340.9.2: INVESTIGATION

When a traffic complaint is received from a citizen who requests to issue a traffic citation, the officer receiving the complaint should review the circumstances to determine if there is sufficient information to issue a traffic citation and, if so:

- a. Obtain statements from the issuing citizen and the suspect;
- b. Complete a paper Uniform Traffic Citation with the following words crossed out: "...and I have served the person with this complaint" and "officer" under the signature line and printed name. Write the word "citizen" under the signature line.
- c. The citizen will then certify the information on the Uniform Traffic Citation before a deputy court clerk prior to signing.

340.9.3: PROCESSING

- a. Officers issuing citations pursuant to this subsection will personally serve a copy of the citation to the violator.
- b. A copy of the officer's report and all copies of the Uniform Traffic Citation will be forwarded to Municipal Court.

340.10: PHOTO ENFORCEMENT SYSTEM

Officers trained to issue citations via the photo enforcement system shall follow provisions in [ORS 810.434 – 810.437](#). The photo enforcement system can be utilized to issue violations for speeding ([ORS 811.111](#) or [ORS 810.180](#)) and/or failure to obey traffic control device ([ORS 811.265](#)).

340.11: EMPLOYEE ACTIVATION OF PHOTO ENFORCEMENT SYSTEM

The purpose of this section is to provide guidelines to members of the Albany Police Department relating to the photo enforcement system responsibilities, including employee activations of the photo enforcement system on and off duty. When a photo enforcement officer believes an employee of the Albany Police Department, employee of the City of Albany, employee of an outside law enforcement agency, or any related family member or personal acquaintance, the photo enforcement officer shall place the activation in the Supervisor review queue. The Division Captain, or their designee, of the employee will review the activation.

340.11.1: ON-DUTY/OFF DUTY ACTIVATION OF PHOTO ENFORCEMENT SYSTEM

When an employee becomes aware that they have triggered the City of Albany photo enforcement system while on or off duty, the employee shall notify (in-person/email/memo/phone call) their supervisor and they shall follow the guidelines outlined under [Standards of Conduct: Policy 800](#), subsection 800.6.10. The employee should include the date, time, location, circumstances, and CAD event number if applicable.

When a photo enforcement officer believes that an employee has triggered the system, the photo enforcement officer shall advise via phone or email the Division Captain, or their designee, that an employee triggered a photo enforcement system. The Division Captain, or their designee, shall conduct a fact-finding review of the incident and make the following determination:

- a. No violation – the employee did not activate the system or otherwise did not commit any violation of law or policy; the citation is rejected, and no further action will be taken.
- b. Justifiable action – the employee did commit a violation of law or policy, however the violation was justifiable or excusable through another statute in the course of their official duties; the citation is rejected, and no further action will be taken.
- c. Valid violation – the employee did commit a violation and there is no legal or policy basis to justify or excuse the violation; in this circumstance, the on-duty violation will be handled as a matter of internal review and potential corrective action, and/or citation.

340.11.2: OUTSIDE LAW ENFORCEMENT AGENCY EMPLOYEES

- a. Outside law enforcement agency employees who trigger the City of Albany photo enforcement system should be processed as outlined in 340.11.1 and forwarded to that outside law enforcement agency for review.
- b. The outside agency would be responsible for conducting any fact-finding investigation related to internal discipline related to their employee triggering the photo enforcement system.

340.11.3: CITY OF ALBANY ACTIVATION OF PHOTO ENFORCEMENT SYSTEM

- a. Non-police employees of the City of Albany who trigger the photo enforcement system while operating a City of Albany owned vehicle will be processed as they would any other citation issued to a corporation or outside government agency employee. If a citation is issued it will be sent to the Department Head for determination of the driver's identity and will be responsible for completing the Certificate of Non-Liability. The Department Head should be responsible for notifying the responsible employee directly or via their direct supervisor.
- b. A non-police employee of the City of Albany who triggers the photo enforcement system while not at work, or while at work but operating their personal vehicle, will be processed as would any other citation issued to any member of the public.