



Approved:

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Subject:

340. Traffic Citations

Effective:

January 25, 2018

CALEA Standards: 82.3.4

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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.