POLICY AND PROCEDURE NO. 638

Disposition of Massachusetts Uniform Citations

Massachusetts Police Accreditation Standards:
82.3.3

Date Issued: June 4, 2009
Date Effective: October 16, 2026
Review Date: October 16, 2027 3 Pages

1. PURPOSE:

The purpose of this policy is to establish procedures for the proper completion, delivery, disposition, and accountability of Massachusetts Uniform Citations issued by members of the Worcester Police Department, in accordance with Massachusetts General Law Chapter 90C.

2. POLICY:

It is the policy of the Worcester Police Department that all Massachusetts Uniform Citations, whether issued for civil or criminal violations, shall be accurately completed, properly accounted for, and processed in accordance with state law.

3. SCOPE:

This policy applies to all sworn personnel of the Worcester Police Department who are authorized to issue Massachusetts Uniform Citations.

4. PROCEDURES:

A. Completion and Delivery of the Citation

An officer issuing a Massachusetts Uniform Citation, including a written warning, shall fill it out as completely as possible, including the age, race, and gender of the person and whether a search was initiated as a result of the stop. The Registry of Motor Vehicles collects these entries, with the violation, the date, time, and municipality, and the outcome of the stop, under MGL Chapter 90, Section 63.

MGL Chapter 90C, Section 2 requires that a copy of the citation be given to the violator at the time and place of the violation. A failure to do so is a defense in any court proceeding for that violation, except where the violator could not have been stopped, where additional time was reasonably necessary to determine the nature of the violation or the identity of the violator, or where the court finds that a circumstance not inconsistent with the purpose of the statute justifies the failure. Officers shall deliver the citation to the violator at the time and place of the violation unless the violator could not be stopped or additional time is reasonably necessary to determine the nature of the violation or the identity of the violator.

Where a citation is not delivered at the time and place of the violation, the officer shall record the violation on a citation as soon as possible after the violation, deliver or mail the citation as provided by MGL Chapter 90C, Section 2, and document in the incident or crash report the specific facts establishing which statutory exception applies. Delay for the purpose of completing a report, or of obtaining supervisory review or approval of a report, is not a basis for failing to deliver the citation at the time and place of the violation. See Commonwealth v. O'Leary, 480 Mass. 67 (2018).

B. Civil Violations

MGL Chapter 90C, Section 2 requires the issuing officer, at or before the completion of the tour of duty, to deliver all remaining copies of each citation, duly signed, except the officer's copy, which the officer retains, to the Chief of Police or a designee. The Chief of Police has designated the Traffic Division as the collection point for civil citations. All copies, including the Registry of Motor Vehicles (RMV) copy and the Agency copy, shall be placed in the secure receptacle within the Traffic Division during normal business hours, or in the locked, one-way receptacle outside the Traffic Division's door when the office is closed.

A Traffic Division official or designee shall retrieve and process all citations from these collection points, forwarding the RMV copy to the Registrar within the time required by MGL Chapter 90C, Section 2.

Citations designated as written warnings shall be submitted and processed in the same manner, with the RMV copy forwarded to the Registrar.

C. Criminal Violations

All remaining copies of a criminal citation, except the officer's copy, shall be submitted at or before the completion of the officer's tour of duty; in an arrest, the citation travels with the arrest paperwork. Supporting documentation is submitted as provided in Policy 470 Court Appearances.

D. Citation Issuance and Accountability

Citation books shall be issued to officers by the Traffic Division on behalf of the Chief of Police. A signed receipt on the form approved by the Registrar shall be obtained from each officer to whom a citation book is issued, and a record of all citation books issued shall be maintained. Citation books shall also be maintained at police headquarters for the recording of automobile law violations by officers to whom citation books have not been issued, as required by MGL Chapter 90C, Section 2. MPAC 82.3.3 [a]

Every citation shall be accounted for, whether issued, voided, or unused. When all citations in a citation book have been issued or used, the completed audit sheet shall be signed and one copy returned to the Registrar, with the second copy retained in Department files, as required by MGL Chapter 90C, Section 6. MPAC 82.3.3 [b]

Processed Agency copies and completed audit sheets shall be filed in the Traffic Division, their permanent filing location, and retained under the applicable records retention schedule. Citations awaiting Traffic Division processing shall be stored only in the secure receptacles described in Section 4.B. MPAC 82.3.3 [c]

E. Electronic Citations

Officers may issue citations electronically only when authorized by the Chief of Police and trained in accordance with the standards established pursuant to MGL Chapter 90C, Section 2. The electronic record of a citation delivered through the electronic citation system satisfies the end-of-tour delivery requirement, and all citation numbers shall be accounted for within the system's electronic audit trail.

F. Voiding of Citations

If a citation issued from a citation book is spoiled, mutilated, or voided, the voiding officer shall endorse it with a full explanation and submit it to the Traffic Division, which shall return it to the Registrar forthwith and account for it on the audit sheet for that citation book, as required by MGL Chapter 90C, Section 2. If a record of an electronically issued citation is spoiled, mutilated, or voided, the record, to the extent it can be recovered, shall be endorsed with a full explanation by the voiding officer, forwarded to the Registrar in the manner approved by the Registrar, and accounted for in the electronic audit trail. The voiding officer shall also submit a copy of the electronic citation and an Interdepartmental Correspondence (IDC) explaining the void to the officer's unit captain or a Traffic Division official.

A citation that has been delivered to the violator shall not be voided. The authority to seek the withdrawal of a delivered citation on behalf of the Department is reserved to the Chief of Police; any request shall be submitted in writing through channels to the appropriate Deputy Chief of Police. Dismissal or modification of criminal charges is governed by Policy 470 Court Appearances.

G. Penalties for Falsification or Improper Disposal

Knowingly falsifying a citation, a copy, or a record of its issuance, disposing of any of them other than as Chapter 90C requires, or attempting to do so or inciting another to do so, is a crime under MGL Chapter 90C, Section 10.

Per:

Paul B. Saucier
Chief of Police

Revisions:

October 16, 2026–

Added completion of each citation, including the data collected under MGL Chapter 90, Section 63, and delivery to the violator at the time and place of the violation under MGL Chapter 90C, Section 2, with mailing and report documentation when a statutory exception applies. Added citation book issuance and audit requirements under MGL Chapter 90C, Sections 2 and 6, permanent filing of processed citations and audit sheets, and sections on electronic citations and the voiding of citations. Added a prohibition on voiding a citation after delivery to the violator, with the authority to seek withdrawal of a delivered citation reserved to the Chief of Police. Added processing of written warnings and secure, locked collection receptacles. Replaced daily retrieval and mailing of the RMV copy by a Traffic Division official with retrieval by a Traffic Division official or designee and forwarding within the time required by MGL Chapter 90C, Section 2. Replaced forwarding of criminal citations upon completion of the investigation with submission by the end of the officer's tour of duty, with the arrest paperwork in an arrest, and replaced the list of supporting documents with a reference to Policy 470 Court Appearances. Replaced the quoted statutory penalties for falsification with a reference to MGL Chapter 90C, Section 10.

Original Issue Date: June 4, 2009