

SAN DIEGO POLICE DEPARTMENT PROCEDURE

DATE: September 1, 2015

NUMBER: 7.06 - TRAFFIC

SUBJECT: VOIDING OR DISMISSAL OF CITATIONS

RELATED POLICY: N/A

ORIGINATING DIVISION: TRAFFIC

NEW PROCEDURE:

PROCEDURAL CHANGE:

SUPERSEDES: DP 7.06 – 01/17/2012

I. PURPOSE

This Department procedure establishes guidelines for voiding or dismissing citations.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

- A. There are cases when mistakes occur or emergencies arise making it necessary to void or dismiss a citation. Disposing of citations in any manner other than provided by law is a misdemeanor. It is illegal for any person, including the issuing officer, any member of the officer's department or agency, or any peace officer, to alter, conceal, modify, nullify, destroy, or cause to be altered, concealed, modified, nullified, or destroyed the face side of the remaining original or any copy of a citation that was retained by the officer, for any reason, before it is filed with the magistrate, prosecutor, or processing agency (40202 CVC, 40500 CVC).
- B. Corrections, alterations, or additions cannot be made on a citation, but must be made on a Notice to Appear Citation Correction form (PD-494).

IV. DEFINITIONS

- A. Administrative Process - distribution of citations, for fines collection or prosecution, to concerned agencies such as the Office of the City Treasurer, Parking Administration, Superior Court, and the Department of Motor Vehicles.
- B. Void - a handwritten citation that is not forwarded for legal processing (all citation copies must be retained by the issuing agency).
- NEW

 C. Dismissal - a handwritten citation that is terminated from further legal processing and used when all copies of the citation are not retained by the issuing agency.

V. PROCEDURES

- A. The person requesting the voiding or dismissal of any type of handwritten citation must complete a Citation Void/Dismissal Request form (PD-484) and staple it to all available copies of the citation. Do not write on the citation. The reason for dismissal or voiding must be thoroughly explained on the form. Citations issued by police personnel may be voided or dismissed under the following circumstances:
 - 1. The issuing officer received an urgent radio call.
 - 2. An arrest was made in lieu of the citation (mention violation in report narrative).
 - 3. The issuing officer was mistaken in fact or law (wrong violation, no violation, private property).
 - 4. A writing error was made or the form mutilated.
 - 5. The citation was issued contrary to the Department visitor procedure (see Department Procedure 7.01, Traffic Enforcement Procedures).
 - 6. Medical emergencies (subject to verification) that require parking a vehicle improperly to obtain treatment.
 - 7. The vehicle cited was exempt from compliance pursuant to section 21055 of the California Vehicle Code (i.e., emergency vehicles responding to an emergency), or 22512 CVC (utility vehicles at work site).
 - 8. The markings or signs were inadequate (paint faded, sign missing).
 - 9. When the citation itself needs to be held as evidence.

NEW

NEW

- B. A Citation Void/Dismissal form (PD-484) must be completed for any lost citations(s) or portions of a citation. An ARJIS-9 report shall be prepared including the missing citation number(s), a brief explanation of the circumstances, and the date of loss. A completed Citation Dismissal form must accompany the report. A supervisor will sign the dismissal form and forward it through the respective chain of command. After verifying the information, the commanding officer will forward the ARJIS-9 and dismissal forms to Citation Records.
- C. The Office of the City Treasurer, Parking Administration, shall adjudicate all parking citations.
- D. Voiding of Moving or Handwritten Parking Citations

Requests for voiding moving or handwritten parking citations must be approved by a supervisor (equivalent to the rank of sergeant or above). After completing the Citation Void/Dismissal Request form (PD-484) and obtaining a supervisor's approval, attach all copies of the citation (defendant's copy must be included) and forward to Records Division at MS 726 for filing.

- E. Voiding Electronic Parking Citations (EPC)

Parking Enforcement Supervisors or the issuing officer are the only individuals authorized to void electronic parking citations. Citations may not be voided or reissued if the citizen retains the original citation.

- F. Dismissal of Handwritten Parking Citations

- 1. Dismissal of parking citations by police personnel must adhere to stringent guidelines. Section 40202 of the California Vehicle Code permits only the issuing officer to formally request the voiding or dismissal of a parking citation. Others may initiate the form through the approval process; however, clearly stated justification must exist for the dismissal. The issuing officer is not responsible for justifying the dismissal or completing the form under these circumstances. Under no circumstances shall a personal relationship with any public official or law enforcement officer/agency be grounds for dismissal.
- 2. The Citation Void/Dismissal Request form (PD-484) and attached parking citation shall be forwarded for review through the respective chain of command to the commanding officer level. If the dismissal is denied, the citation shall be returned to the person who initiated the request for dismissal. When approved, the Citation Void/Dismissal Request form will be routed to the issuing officer via his/her commanding officer. The

issuing officer shall sign the form and it will then be routed to the Traffic Division Commanding Officer for final review.

3. A computer printout of registration information must be attached to all parking citation dismissal requests by the person initiating the request.
4. When the issuing officer wishes to dismiss a parking citation, a Citation Void/Dismissal Request form (PD-484) must be completed and attached to the parking citation. The reason for dismissal must include specific justification (refer to examples). The forms shall be reviewed and approved by a supervisor (equivalent to the rank of sergeant or above) and approved through the respective command to the commanding officer level. After approval, the PD-484 and citation will be routed to the Traffic Division Commanding Officer for final review. Approved dismissal forms will be sent to Records Division and then forwarded to the Office of the City Treasurer, Parking Administration.
5. Dismissal requests for disabled persons, broken meters, stolen vehicles, or mechanically disabled vehicles (requires repair receipts) must be referred to the Office of the City Treasurer, Parking Administration.

G. Dismissal of Electronic Parking Citations (EPC)

1. The Office of the City Treasurer, Parking Administration, is responsible for adjudication of EPC dismissal requests.
2. Parking Enforcement Supervisors or the issuing officer are the only individuals authorized to request dismissal of an EPC.
3. Dismissal of an EPC by police personnel must adhere to stringent guidelines. Section 40202 of the California Vehicle Code permits only the issuing officer to formally request the voiding or dismissal of a parking citation. Clearly stated justification must exist for the dismissal. Under no circumstances shall a personal relationship with any public official or law enforcement officer/agency be grounds for dismissal.
4. The dismissal request shall be initiated by the Parking Enforcement Supervisor to the Office of the City Treasurer with direct oversight by the Traffic Division Commanding Officer.

H. Request for Dismissal of a Notice to Appear (Form PD-177)

1. Requests for dismissal of non-felony traffic violations shall be initiated and processed pursuant to section 40500(d) of the California Vehicle Code.

2. Requests for dismissal of moving citations must be investigated by a supervisor and submitted on form PD-484 through the chain of command to the commanding officer level. Approved requests will be forwarded to the Traffic Division Commanding Officer for final review. Dismissal requests not in compliance with Department procedure shall be returned to the appropriate commanding officer.
 3. Approved citation dismissal requests will be forwarded to Traffic Services for logging and then to Traffic Records for filing. Records Division will be responsible for forwarding traffic citation copies to the Municipal Court.
- I. Voiding or Dismissing Adult Misdemeanor Field Release Citations (Form PD-177)
1. When a void request is initiated by the issuing officer in compliance with section 853.6(j) of the California Penal Code, all copies of the citation and the void request shall be processed through that officer's commanding officer. After approval by the commanding officer, approved requests shall be forwarded to Records Division for filing.
 2. Dismissal requests require the original citation (or a copy) and are routed to the commanding officer. Upon approval, the completed request will be sent to Records Division, which will forward citation copies to the Municipal Court.

VI. REVIEW/DISMISSAL REQUESTS INITIATED BY THE OFFICE OF THE CITY TREASURER

Parking Administration personnel may submit Citation Void/Dismissal Request forms to the appropriate department for review. The citation(s) shall be reviewed by the issuing officer and his/her supervisor. The completed paperwork shall be returned to Parking Administration.

VII. GENERAL

- A. Police officials shall not become involved in an investigation of a parking or moving citation when the cited person is a relative or personal friend. If a relative or friend approaches a police official with a complaint on a citation, they are to be referred to the appropriate command for investigation.
- B. Records Division shall maintain a file of voided and dismissed citations for two years. Voided citations marked "Hold for Evidence" are also retained in this file. Citation Void/Dismissal Request forms received by Records Division must be

complete and have the proper approval or they will be returned to the respective command.

- C. Citation dismissal records will be made available upon request to authorized persons holding valid press identification cards issued by the Chief of Police.
- D. NEW Parking and standing of Vehicles shall not apply to authorized emergency vehicles operated by the Police Department in response to an emergency as long as the operator does not disregard the safety of others (81.0105 SDMC). Police vehicles not involved in an emergency are required to obey all traffic regulations (81.0104 SDMC).
- E. NEW Vehicles with California government “exempt” plates are exempt from parking meter enforcement.
- F. All of the forms discussed in this procedure are available at all commands.
- G. Certain Parking citations, such as 5204(a) CVC, may be signed off by law enforcement agencies. Officers shall verify all pertinent information, and in the remarks section, shall sign and date the citation including their identification number and agency. Officers shall return the parking citation to the citizen. The citizen must then contact Parking Administration.