

Procedure

3.25

**EFFECTIVE
DATE
3-29-99**

Eugene Police Department



Citation Issuance and Administration

3.15.1 PURPOSE AND SCOPE

This procedure deals with issuance and administration of the Uniform Traffic Citation, which can also be used as a misdemeanor citation. See *Policy 420 – Citations in Lieu of Custody* for criteria for cite and release of individuals for non-traffic matters.

PART I - Responsibilities and Procedures for All Personnel

- A. Citation control
- B. Citation issuance
- C. Voiding citations
- D. Dismissal/expungement of citations
- E. Errors on citations
- F. Delivery of citations outside the city
- G. Delivery of citations for other agencies
- H. Court jurisdiction
- I. Juveniles
- J. Other reporting
- K. Records
- L. Property Control

PART II - Responsibilities and Procedures for Supervisors and Command Personnel

- A. Patrol supervisors

3.15.2 RESPONSIBILITIES AND PROCEDURES FOR ALL PERSONNEL

- a. Citation control
 - 1. Each citation book includes a control card. Sign and date the control card for each citation book you draw. Ensure the citation numbers are properly recorded on the card and then turn it in to Records.

2. You are responsible for citations issued to you. Report any loss by memo to Patrol Command. Return all unused citations when your employment ends.
3. Turn in all department copies of citations issued at or before the end of each watch.
4. You will be required to account for any missing citations.

b. Citation issuance

1. A maximum of three charges of a similar type may be listed on the same citation, with these stipulations:
 - all charges on one citation must be going to the same court
 - traffic and non-traffic offenses cannot be mixed on the same citation
 - traffic crimes (including *ORS 807.570*, failure to carry/present DL, if it is being treated as a traffic crime) cannot be mixed with infractions on the same citation; and
 - a charge of DUII must be on its own, separate citation.
2. Each count of each charge must be on a different line. (For example: If you are citing a person for two counts of criminal mischief, each count must appear as a separate charge on the citation. You cannot write "Criminal Mischief X 2" on one line.)
3. Check the "traffic" box for violations of traffic law; **however** violations of Chapter 5 of the Eugene Municipal Code (EMC) are **not** considered traffic offenses, even if they involve operation of a vehicle, so the "non-traffic" box should be checked in these cases. (Generally, if the violation does not have an ORS traffic code number, the "non-traffic" box should be checked.)
4. You **must** put the ORS or EMC number on the citation for each charge. For non-traffic charges, this may be done after issuance of the citation, but must be done before the citation is turned in.
5. A citation must be issued for any non-felony traffic crime for which a person is lodged in jail.
6. If you cite a person for violating *ORS 807.570* (failure to carry or present DL), this will normally be processed as an infraction. However, if you arrest and take custody of a person for this charge, it must be treated as a misdemeanor. Follow the procedures above for traffic crimes, and print "misdemeanor" in parentheses next to the charge on the citation.

7. If the person making the arrest is someone other than the officer issuing the citation, write that person's name on the appropriate line of the citation.
- c. Voiding citations
1. You may void a citation any time before you submit it, provided the defendant's copy is submitted with the original. Write "VOID" across all copies.
 2. Turn in all voided citations before the shift ends.
- d. Dismissal/expungement of citations
1. If a sworn supervisor approves, you may dismiss issued citations in the interest of justice. This may be done by memo, if there is sufficient time before the scheduled court date to process the request and notify the defendant, or in open court.
 2. The memo should be addressed to the Municipal Court Judge, and given to your supervisor. If s/he approves, s/he will forward the memo to Court Liaison for forwarding to the court.
 3. If you issue a citation for a traffic or city code violation or a misdemeanor, and later discover that the person cited has used a false or assumed name, follow the procedures outlined in **General Order 308.24 (False Name Reporting)**.
- e. Errors on citations
- If you find you have issued a citation containing an error (e.g., court date set on a holiday), you may:
1. re-contact the defendant and issue a new citation; or
 3. mail a letter to the defendant at the address s/he gave you advising of the correct information, with a copy of the letter sent to Municipal Court.
- f. Delivery of citations outside the city
1. You may go outside the city to issue a citation with supervisor approval.
 2. If the person to be cited lives far enough outside the city to make personal service infeasible, you may mail the citation if it is being issued for offenses to be cited into Municipal Court.
 - a. It may not always be possible to pursue any failure to appear with a

warrant or license suspension if the person is not personally served.

- b. To maximize the likelihood of proving notice, you may opt to send the letter "certified mail, return receipt requested." This should be done through the Patrol Division Administrative Aide.
- c. If you mail a citation, you must prepare a supplemental report indicating that fact, what form of mail was used (e.g., certified), and to what address the notice was sent (as well as the source of the address information). A copy of this report should be routed to the Municipal Court.

g. Delivery of citations for outside agencies

We will, to the extent workload allows, assist other agencies in delivering citations to addresses inside the city limits if the agency is outside the local area, or it is otherwise impossible or unreasonable for the agency to serve the citation with its own officers.

h. Court jurisdiction

- 1. For non-felony citations involving an offense occurring outside the city, cite the violator into Circuit Court.
 - a. Check the "Circuit Court" and "State Statute" boxes. Arraignment times are 0830 for non-custody cases and 1330 for custody cases.
 - b. Complete all other portions of the citation as you do for Municipal Court.
- 2. For a traffic crime and state charges arising from the same incident, cite the violator into Circuit Court.
- 3. For a traffic infraction and state charges arising from the same incident, cite the violator into Municipal Court for the infraction, and into Circuit Court on the State charges. Appearance time for the municipal charge will be at 8:00 AM.

i. Juveniles

- 1. You may issue any juvenile a citation.
 - a. For non-felony traffic offenses *relating to the use or operation of a motor vehicle*, cite into Municipal Court as you would an adult. (Similarly, juveniles can be cited into adult court for violations of game and boating laws.)

- b. For other non-felony traffic offenses, juveniles can be cited into Juvenile Court; however, the court will take no legal action against the juvenile. The citation will simply become part of his/her record.

2. Juveniles cannot be taken to Skipworth for traffic offenses (other than **felony** traffic crimes) because of the automatic remand. However, if the incident involves another offense, and custody is necessary to protect the juvenile from himself/herself or others, the juvenile may be taken to Skipworth.
3. Take juveniles arrested on Municipal Court FTA warrants to Skipworth.

j. Other Reporting

1. See Reporting System Manual for the reporting responsibilities in traffic incidents. This is only a supplement to that manual.
2. We require a Custody Report for every violator taken into custody.
3. We require a Supplemental Report for all major traffic offenses, as defined in *ORS 153.500(5)*, when you cite in lieu of custody. Other traffic offenses generally do not require a report.
4. Obtain a case number and submit an Evidence/Property Report if you seize any evidence or property during a traffic incident.
5. Include the details on the back of the citation unless you also file a Custody Report or Supplemental Report.

k. Records

1. Review citations for completeness. Return any citations which need correction before data entry is made.
2. Enter the citation and record the docket number on the citation, if applicable.
3. File the police copy of the citation in Records and distribute other copies to the appropriate court.

l. Property Control

The Stores Clerk will maintain an adequate supply of citations.

3.15.3 PART II - Responsibilities and Procedures for Supervisors and Command Personnel

- a. Patrol Supervisors
 - 1. Ensure all control cards are forwarded to Records.
 - 2. Forward all citations you review to Records for processing and filing.
 - 3. Forward all approved requests for dismissal or expungement to the Court Liaison Officer, who will ensure the citation is dismissed (unless already dismissed in court.)
 - 4. A sworn supervisor may void a citation in the interest of justice.