Peoria Police Department
Policy and Procedure Manual

Policy 6.03	Citations, Repair Orders, and Written Warnings

I. POLICY

This order establishes the Departmental guidelines for the use of citations, repair orders, and written warnings. It shall be the policy of the City of Peoria Police Department to procure, issue, and properly account for citations, repair orders, and written warnings used in formal and informal enforcement actions.

II. PROCEDURE

A. Citation Books. To insure proper issuance and accountability of citations, the following procedures outlined in this section will be followed.

1. Supplies of citation books will be kept in a secured area in the Records Section of the Police Department, with access granted only to Records Section Supervisor or their designee. A log will accompany the supply of citations and will be used to record the issuance of each book.(82.3.4.b&c) The Municipal Court shall record the disposition on all traffic citations generated by the Police Department. This information is available to Agency personnel through verbal request to personnel of the Municipal Court.

2. Citation books will be issued by the Records Section Supervisor or their designee, who will ensure that the citation book is issued in numerical sequence and has been logged. Only two (2) citation books per sworn employee will be issued at any one time, except for the Traffic Services Unit employees, who will receive up to three (3) books. (82.3.4.a)

3. Employees are responsible for all citations contained within the citation book issued to them and are not relieved of their responsibility until the book is turned in to their supervisor for disposition. (82.3.4.b)

4. Citation books will not be left unsecured.

5. Employees leaving the Department or transferring to an assignment where citations will not be used will forward any remaining citations in their possession to the Records Section Supervisor.

   a. The Records Section Supervisor will ensure that the citation book log is updated with the correct disposition of the remaining citations.

   b. These citations may then be reissued. (82.3.4.b)

6. Employees shall notify their supervisor, in writing, of any lost or stolen citations or citation books. The memorandum shall include the details concerning the loss as well as all citation numbers involved.

   a. The supervisor receiving the information shall forward the memorandum through the chain of command to the Division Commander for review.

   b. Once reviewed, the memorandum shall be forwarded to the designated Sergeant, who will file it for accountability/documentation purposes,

   c. A copy of the memorandum will be forwarded to the Police Services Officer assigned to the Property and Evidence Section. (82.3.4.b)

B. Completing the citation. To provide for accurate and complete citations, the following procedures will be followed:

1. Citations will be printed neatly and legibly.

2. NCIC abbreviations will be used. Both race and ethnic origin of the driver will be recorded on the citation.

a. Officers will not ask either the race or ethnic origin of any individual while on traffic stops, but shall use his/her best judgment in deciding this information.

b. The acceptable codes are:

(1) Race: W = White

B = African American

I = American Indian/Alaskan Native

A = Asian or Pacific Islander

(2) Ethnic Origin: 1 = Hispanic

2 = Non-Hispanic

3. Words or abbreviations, which are not applicable, will be blocked out.

4. Every block and section of the citation will be completed. The word "none" will be entered in spaces in which the information is not readily available.

5. Employees may print or sign their name neatly and must print their serial number in the appropriate space provided.

6. If a different location for each violation is required when using multiple violation citations, the location will be placed within parentheses adjacent to the respective charge area within the violation and after the violation narrative.

7. If a citation is issued to the driver of a commercial motor vehicle in which the violation arises out of the operation of that vehicle, the “commercial” box shall be checked on the City of Peoria Traffic Ticket and Complaint Form. If hazardous materials are present as part of the load and the vehicle is placarded, the “Hazmat” box shall also be checked. (The definition of a commercial vehicle is a vehicle used in the furtherance of a commercial enterprise that has a Gross Vehicle Weight Rating (GVWR) in excess of 18,000 pounds)

8. Should an employee need to make an addition or correction to a citation, the following procedure will be followed:

a. When the violator's copy is accessible, the employee will make the necessary changes on all copies of the citation and advise the violator of the change. Should a particular charge need to be voided, the employee shall print, "Charge A is void" or "Charge B is void" etc., across the particular charging area on the violator's copy only, while the information concerning the reason for the void will be placed on the bottom space provided on all other copies.

b. When a change must be made to the complaint portion of a citation and the violator's copy cannot be retrieved, the employee shall not change or add any information to the court copies.

(1) If the charge is criminal in nature, the citation will be turned in, as is, and the employee will complete a memorandum through their chain of command to the City Prosecutor. The City Prosecutor's office will either file a motion to amend the citation or otherwise instruct the employee on how to proceed.

(2) If the charge is a civil traffic matter, not affecting the violation code, except the subsection, the employee should be prepared, prior to the hearing, to make an oral statement to amend the complaint to reflect the correct information.

(3) If the charge is a civil traffic matter and affects changing the complete violation code, the employee should request the citation be dismissed and the violator must be personally served with a new citation within thirty (30) days of the original violation.

c. Failure to follow these procedures may result in the citation being dismissed.

d. Employees shall notify their supervisor when it becomes necessary to make changes to a citation.

9. If an officer needs to request that a charge be dropped in a case in which the Traffic Ticket and Complaint Form has already been formally submitted to the court with jurisdiction, the officer will need to submit a memorandum, through the chain of command to the Bureau Lieutenant, requesting that the charge be dropped, explaining the reason for the request. This memorandum, once routed through the chain of command to the Bureau Lieutenant, will be forwarded to the appropriate court so that it can be reviewed by the judge.

10. Employees will not make personal notations on the court copy of any citation. Any notes to be used in court will be made on the employee copy of the citation. These notes will be retained in a manner suitable to the employee.

C. Citation Arraignment Dates. Traffic violators will be cited into the appropriate court in accordance with directed scheduling dates and times.

D. Major Traffic Offenses. Traffic offenses, which fall under the 10-day rule, are considered to be major traffic offenses. These include criminal traffic offenses and offenses for ARS § 28-672 (Accidents resulting in serious physical injury).

1. Cite violators into the appropriate court.

2. All back-up citations issued along with the major traffic offense citation will reflect the same arraignment information as the major traffic offense citation.

3. Advise the violator that they must appear only on the date and time listed on the citation.

E. Non-Major Traffic Offenses. Offenses that are civil in nature, other than ARS § 28-672 (Accidents resulting in serious physical injury), are considered non-major offenses. These violations will be cited into the appropriate court with a scheduled appearance date between 21 to 28 days after the date of issue.

F. Combined Civil and Criminal Violations. When a violator is charged with both civil and criminal violations, those violations may be placed on a multiple charge citation. Citations will not be issued for felony offenses/charges.

G. Refusal to Sign a Citation.

1. When a violator refuses to sign a criminal citation, the officer will explain to the violator that their signature is only their promise to appear in court as required and not an admission of guilt. If the violator still refuses to sign the citation after the explanation, they will be booked.

a. The word "BOOKED" will be placed on the violator's signature line. When the violator is being booked on a criminal charge and has other civil violations on the same citation, the citation will be completed and the word "BOOKED/SERVED" will be placed on the violator's signature line. The violator shall be served his copies, which will be placed into the violator's property.

b. Violators deciding to sign their citation(s) while en route to, or upon arrival at, the jail facility may be permitted to do so and shall be released provided that formal booking procedures have not been initiated (i.e., obtaining a booking number).

c. Responses made by the violator when given the opportunity to sign their citation(s) or post bond shall be annotated in the police report.

2. When a violator refuses to sign a civil traffic citation, the citing employee shall explain to the violator that the signature does not imply guilt or admission to the violation, but is used only as a means of acknowledging receipt of the citation.

a. If the violator continues to refuse to sign the citation, write "REFUSED/ SERVED" on the defendant signature line and give the violator their copies.

b. Employees shall inform the violator that failing to mail in the fine or appearing as directed shall be cause for the Department of Motor Vehicles to suspend their driver’s license.

H. Violator's Questions. Employees will not:

1. Advise violators that their fine may be less than what is noted on the pay-by-mail card.

2. Advise violators that producing their driver license, registration, or other papers in court may cause a reduction or suspension of the fine.

3. Advise violators to mail copies of their driver license, registration, or other papers to the court in lieu of a fine.

I. Equipment Repair Order/Written Warnings. Officers may issue equipment repair orders/written warnings for faulty or illegal vehicle equipment or minor traffic violations, except as outlined in this section.

1. Equipment repair orders/written warnings will not be issued when:

   a. Faulty or illegal equipment is a contributing factor to a traffic collision.

   b. It is obvious that the faulty equipment has existed for an unreasonable length of time.

   c. Due to the seriousness of the traffic violation, a citation should be issued.

2. Officers will complete a repair order/written warning and forward the original in the same manner as a citation.

   a. The violator will be asked to sign the repair order/written warning and will be given the carbon copy.

   b. In the case of a repair order, the violator will be instructed that their copy of the order must be returned to Police Department, preferably by mail, within five (5) days of issuance with certification that the equipment has been repaired by either the owner or the firm that made the repairs.

   c. In the case of a written warning, the violator will be told that the written warning was issued in lieu of a citation and that no appearance in court is necessary.

3. If a violator refuses to sign the repair order/written warning, it will be voided and a citation shall be issued for the violation.

Peoria Police Department
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