

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: May 27, 2005

GENERAL ORDER M-4

SUBJECT: MOVING AND PARKING CITATIONS - MAINTENANCE AND SECURITY

### PURPOSE

- 1 - The purpose of this Order is to establish procedures for the issuance and processing of moving and parking citations. The Order will identify the proper method for requesting dismissal of both moving and parking citations in accordance with Section 853.6 of the Penal Code and Sections 40202 and 40500 of the Vehicle Code.

### POLICY

- 2 - It shall be the policy of this Department to fully account for all moving and parking citations.
- 3 - This policy will protect the integrity of the citation issuance process and **maintains** compliance with Section 853.6 of the Penal Code and Sections 40202 and 40500 of the Vehicle Code.

### STORAGE / ACCESS

- 4 - The Traffic **Bureau** Sergeant shall maintain a supply of moving and parking citations in the appropriately marked cabinet in **the Patrol Briefing Room of the Public Safety Building (PSB). The Traffic Bureau Sergeant or his/her designee shall ensure there is an adequate supply of both moving and parking tickets at the Public Safety Building. In the event the supply of either ticket should run low any officer observing this should inform their Team Sergeant who in turn will contact the Traffic Sergeant for additional tickets.**

### PROCEDURES

- 5 - Officers shall obtain their moving and parking citations from the **file cabinet in the PSB Patrol briefing room.**

### ISSUING CITATION BOOKS

- 6 - The **officer** in need of the tickets shall record in the Citation Log Book (located on top of the citation storage file cabinet) the following information:
  - (a) The beginning and ending numbers of the citations issued.
  - (b) Date of issuance.
  - (c) The name and badge number of the officer to whom the citation book is issued.

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### TURNING IN CITATIONS

- 7 - Before the end of their shifts, officers **shall give to their patrol team Sergeant, the Court's copy of the completed citation. It is the responsibility of the respective team Sergeant to place the citation in the appropriate Citation Drop Box.** The Citation Drop Box is located in **the hallway adjacent to the Patrol Sergeants office, above the mailboxes.**
- 8 - Citations shall not be left unattended or unsecured (i.e., left in desk drawers, on the top of desks or tables, in unlocked patrol cars, etc.).
- 9 - Citations shall not be altered or modified in any way once they have been issued. To do so is a **misdemeanor** and in violation of Sections 40202 and 40500 of the Vehicle Code.
- 10 - All citations must be accounted for and subsequently filed with the appropriate agency; moving citations with the Berkeley Traffic Court, parking citations with the City of Berkeley Parking Citations Center.
- 11 - Under no circumstances shall any member of this Department, or any other person nullify or destroy a citation once it has been issued. Authority to void a citation rests solely with the proper authority (Court Clerk/Processing Agent/Magistrate).
- 12 - The Traffic Division shall remove, on a **weekly** basis, all citations from the Citation Drop Box and have them delivered to the respective locations.

### CORRECTING ERRORS/REQUIREMENTS FOR DISMISSAL

- 13 - Officers may request a citation be dismissed based on an issuing error, or in the interest of justice, by the following procedure:
  - (a) The officer shall recommend, in writing over his/her signature, why the citation should be dismissed and attach it to the citation.
  - (b) The Traffic **Bureau** Sergeant shall review the recommendation and, if it is appropriate, submit the request to the Processing Authority (Court Clerk or Processing Agent).
  - (c) If the request is inappropriate, the request will be denied by the Traffic **Bureau** Sergeant and the citation shall be submitted through the normal channels.
- 14 - The following are appropriate reasons for dismissal requests:
  - (a) **BERKELEY POLICE DEPARTMENT ERROR** -The issuing officer wrote the wrong violation; the officer failed to see a parking permit, etc.

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- (b) VISITOR -The driver is an official visitor to the Hall of Justice; another law enforcement agency involved in an active police investigation, etc.
  - (c) IN THE INTEREST OF JUSTICE -The officer requests a dismissal because the owner/driver is unfairly treated by the citation (i.e., the vehicle owner is victim of auto theft and receives parking citations while the car is outstanding, etc.).
- 15 - If an error such as incorrect section, wrong date, wrong street name, etc., is discovered after the issuance of a citation, the officer shall complete a "Notice of Correction or Change" form. The white copy shall be sent to the violator, the yellow copy attached to the Court's copy of the citation, and the pink copy to the issuing officer's copy.

### ACCOUNTING

- 16 - Alameda County maintains an accounting of all moving citations and fines due/received. The City of Berkeley Parking Citations Center maintains an accounting of all parking citations and fines due/received. This information is accessible through the Traffic **Bureau** Sergeant.

### RECORD MAINTENANCE

- 17 - After collection and review, citations are forwarded to their respective agencies where they are processed and stored. Computer information is available which provides cross-reference by name on citation, location, and citation number.