
Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 NOTICE TO APPEAR FORM AND RESPONSIBILITIES

The Patrol Operations Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council. The primary citation used is the Judicial Council of California approved "Notice to Appear" form (TR-130).

The Chief's Administrative Assistant shall be responsible for the supply and accounting of all traffic citations issued to employees of this department:

- (a) Shall be the primary issuer of citation books to officers
- (b) Shall account for all issued and un-issued citation books
- (c) Shall store un-issued citations in a secure area

Officers issuing a "Notice to Appear" to a motorist/violator shall ensure that once completed, they issue the motorist/violator the yellow copy. This copy of the approved form contains important information regarding the motorist/violator's promise to appear and procedures for resolving the violation/(s) with the Court.

Before handing the motorist/violator the yellow copy, officers shall verbally notify the motorist/violator of the following information:

- (a) The court appearance date, time and location;
- (b) If court appearance is mandatory or if they may be allowed to enter a plea and/or pay the fine by mail/other method;
- (c) Advise them of the additional information/directions available on the back side of the yellow copy.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Fresno County Traffic Court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Operations Lieutenant for review.

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505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be filed in dispatch.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation along with a Fresno County Traffic Court Notice of Correction and Proof of Service to the shift sergeant for approval. Once the shift sergeant has approved the corrections, the citation and Notice of Correction and Proof of Service shall then be submitted to dispatch. Dispatch will then send the citation and correction form to the Fresno County Traffic Court.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with dispatch.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Chief's Administrative Assistant.

505.7 PARKING ENFORCEMENT

Traffic Operations and Parking officers are the primary issuing authority for parking related violations on campus. Police officers may request assistance from a Traffic Operations & Parking member to issue parking citations if violations are observed.

- (a) Parking is enforced during posted enforcement hours with 24/7 enforcement of the following:
 - 1. Disabled parking (blue zones)
 - 2. Emergency parking (red zones)
 - 3. Loading/timed zones (white zones)
 - 4. Reserved stalls
 - 5. Diagonally parked vehicles must be parked facing into stalls
 - 6. Electric Vehicle Charging Station ordinances
 - 7. Other special parking areas (signed)
- (b) Parking enforcement will be performed under applicable parking laws, as prescribed within the California Vehicle Code, section 21113, and within the directives provided by the President of the university, as authorized by California Education Code, section 89031.
- (c) As prescribed by law, officers should tow vehicles that have been parked in a location which represents a hazard to other traffic.

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505.8 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

505.8.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Traffic Operations Manager, who will review written/documentary data. Requests for administrative reviews are available at the front desk of the Fresno State Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

505.8.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking (Violation Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209 and Vehicle Code § 40210).

505.8.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).

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- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

505.9 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation. The juvenile's home phone number, parent's name and current school/grade should be obtained for the citation. On the citation form, the "To be notified by mail" box should be checked.