

Citation Control

9.05.01 PURPOSE

The purpose of this order is to establish the policy and procedures for issuing, processing, correcting, and voiding/dismissing Notice to Appear and Notice of Parking Violation citations.

9.05.02 POLICY

It is the policy of the San Francisco Police Department that all Notice to Appear citations are issued and filed in accordance with California Vehicle Code 40500 *et. seq.* and California Penal Code 853.5 *et. seq.* and that all Notice of Parking Violation citations are issued and filed in accordance with Vehicle Code 40200 *et. seq.*

9.05.03 PROCEDURES

A. NOTICE TO APPEAR

1. ISSUING - All members, once trained, shall use the eCitation App on their Department-issued cellphone when issuing a Notice to Appear citation, unless any of the following circumstances exist, in which case a hand-written Notice to Appear may be issued:
 - a. The member is walking a foot beat or working an assignment where they do not have access to a printer.
 - b. There is a malfunction with the member's phone. If this occurs, members should respond to Technology for replacement or repair at their earliest convenience. Station facility coordinators may assist members who work nights.
 - c. There is a malfunction with the printer. NOTE: Printers installed in the vehicle are not to be removed from the printer's cradle except in extenuating circumstances. If there is an issue with the installed printer in a vehicle, members should contact the station's VMO as soon as possible.
 - d. The member loses network connectivity on their phone. If this occurs, the member should notify the eCitation group at sfpdeCitation@sfgov.org and provide the date, time, and location where the network connectivity was lost.
 - e. If the member has to disembark from the vehicle (motorcycle or car) to where the printer cannot be easily retrieved.

- f. If the member is assigned to the Investigation Bureau or a plainclothes unit and does not have access to a printer.
 - g. Members shall have copies of hand-written Notice to Appear citations with them while on-duty in the event the eCitation App does not function properly. Commanding Officers/Officers-in-Charge are responsible for ensuring there is a supply of Notice to Appear citations available at each station.
 - h. If members issue a hand-written Notice to Appear, members should complete it legibly and accurately. Members should submit the original hand-written Notice to Appear to the Watch Commander before the member's end-of-watch.
 - i. When issuing a Notice to Appear, if the violation being cited has a subsection, it shall be included. For example, Vehicle Code section 24603 will be rejected by the Superior Court's computer system if it does not contain one of the subsections, "a through i."
2. **CORRECTING** - Members **shall not** alter or make corrections on an original Notice to Appear when a copy has been given to a person (see Vehicle Code section 40500(d) and Penal Code section 853.6(j)(2)). The eCitation App will not allow corrections once a person's signature is saved in the program.
- a. When a member recognizes that an infraction Notice to Appear they have issued is incomplete or contains a mistake, members shall use Judicial Council of California Form TR-100, Notice of Correction and Proof of Service, to make corrections. A supervisor is responsible for reviewing the form.
 - b. If the member issued an electronic Notice to Appear, the member should print a signed copy of the Notice to Appear and attach the Form TR-100. The member should submit the copy and the form before the end-of-watch.
 - c. If the member issued a hand-written Notice to Appear, the member should attach the Form TR-100. The member should submit them both before the end-of-watch. If the hand-written Notice to Appear was previously delivered to the court, the member should submit only the form.
 - d. The court is responsible for recording the correction in their computer system and mailing a copy of the form to the person.
 - e. The Form TR-100 shall be used in compliance with DGO 5.06, *Citation Release* and shall only be used with infraction Notices to Appear. This form shall not be used for misdemeanor Notices to Appear.
 - f. A copy of Form TR-100 is located in the "SFPD Forms" folder.

- g. When a member recognizes that a misdemeanor Notice to Appear they have issued is incomplete or contains a mistake, members should document the error in a supplemental incident report. Members should include in the narrative the correct information and recommend the District Attorney's Office amend the complaint with the correct information.
3. **CORRECTABLE VIOLATIONS** - Requests for officer verification (i.e. "sign off") on correctable infraction violations (i.e. "fix-it-tickets") issued for Vehicle Code section 4000(a)(1) (expired registration) should be directed to the DMV. Violations issued for Vehicle Code sections 12951(a) (driver's license not in possession) or 16028(a) or 16028(c) (proof of insurance) should be directed to the SF Superior Court Traffic Division. Members may verify all other correctable infraction violations on the back of the "Defendant's Copy" of a Notice to Appear. Members may not correct misdemeanor violations of the Vehicle Code.
 4. **VOIDING/DISMISSING** - If the interests of justice demand that a Notice to Appear be voided or dismissed, members shall follow these procedures:
 - a. **INCOMPLETE CITATION** - If the Notice to Appear has not been completed and signed, members shall follow these procedures:
 - i. Electronic Notices to Appear will be deleted automatically within 24 hours if not properly completed and do not contain a person's signature.
 - ii. Members should write "VOID" on all copies of the hand-written Notice to Appear. Members should submit all the copies of the incomplete Notice to Appear before the end-of-watch.
 - b. **COMPLETED CITATION** - If the Notice to Appear has been completed and signed, members shall follow these procedures:
 - i. Electronic Notices to Appear can be voided within 90 minutes from the time of issue. Members can change the status of the citation from "LOCK" to "VOID." Members need to assign a reason code in the application for the void.
 - ii. If more than 90 minutes have past or a hand-written Notice to Appear was issued to a person, members should complete a SFPD 506, Court Case Response Form, requesting dismissal of the Notice to Appear. A supervisor is responsible for reviewing the dismissal request.
 - iii. Members should attach a signed copy of the electronic Notice to Appear to the SFPD 506 Form and forward both to the Court Liaison Unit.

- iv. Members should not write “VOID” on the hand-written Notice to Appear. Members should attach all the copies of the Notice to Appear to the SFPD 506 Form and submit them before the end-of watch. If the hand-written Notice to Appear was previously delivered to the court, the member should submit only the SFPD 506 Form to the Court Liaison Unit.

B. NOTICE OF PARKING VIOLATION

1. **ISSUING** - Members are reminded to use the most currently available version of the Notice of Parking Violation citations.
 - a. Members should complete a Notice of Parking Violation legibly and accurately. Members shall attach a copy to the vehicle either under the windshield wiper or in another conspicuous location per Vehicle Code section 40202(b). If the vehicle is driven away before a copy can be attached, members shall submit both copies of the completed Notice of Parking Violation before the end-of-watch.
 - b. Members should submit the completed Notice of Parking Violation citations to the Watch Commander before the member’s end-of-watch and forward it to the SFMTA - Department of Parking and Traffic Enforcement (DPT).
2. **CORRECTING** - Members **shall not** alter or make corrections on a Notice of Parking Violation once a copy has been attached to a vehicle (see Vehicle Code section 40202(c)).
 - a. When a member recognizes that a Notice of Parking Violation they have issued is incomplete or contains a mistake, members should complete a SFPD Notice of Parking Violation Citation Correction Form in order to make the correction. A supervisor is responsible for reviewing the form.
 - b. Members should attach the Notice of Parking Violation to the form and submit them both before the end-of-watch. If the Notice of Parking Violation was previously delivered to SFMTA, the member should submit only the form.
 - c. A copy of the Notice of Parking Violation Citation Correction Form is located in the “SFPD Forms” folder.
3. **VOIDING/DISMISSING** - If the interests of justice demand that a Notice of Parking Violation be voided or dismissed, member shall follow these procedures:
 - a. **INCOMPLETE CITATION** - If the Notice of Parking Violation has not been completed and attached to a vehicle, members shall follow these procedures:
 - i. Members should write “VOID” on all the copies of the Notice of Parking Violation.

- ii. Members should submit all the copies of the incomplete Notice of Parking Violation before the end-of-watch.
- b. COMPLETED CITATION - If the Notice of Parking Violation has been completed and attached to the vehicle, members shall follow these procedures:
 - i. Members should complete a SFPD 457, Parking Citation Dismissal Request Form, and explain on the form the reason the Notice of Parking Violation should be canceled. The requesting member's supervisor shall sign the SFPD 457 Form.
 - ii. Members should not write "VOID" on the Notice of Parking Violation. Members should attach the Notice of Parking Violation to the SFPD 457 Form and submit them both before the end-of-watch. If the Notice of Parking Violation was previously delivered to SFMTA, members should submit only the form.
 - iii. Members should submit the request to dismiss the Notice of Parking Violation within 21 days of the issuance of the citation.

References:

DGO 5.06, Citation Release