

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 RESPONSIBILITIES

The Hospital Police Chief shall be responsible for the development and design of all Office of Protective Services (OPS) traffic citations in compliance with state law and the Judicial Council.

Records shall be responsible for the supply and accounting of all traffic citations issued to OPS employees.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of OPS 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. (Veh. Code, § 40500, subd. (d).) Any request from a recipient to dismiss a citation shall be referred to the Watch Commander. Upon a review of the circumstances involving the issuance of the traffic citation, with officer input the Watch Commander may request the Hospital Police Chief to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate 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 Hospital Police Chief for review.

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 the Hospital Police Chief to approve the voiding of the citation.

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 and a letter requesting a specific correction to his/her Watch Commander. The citation and letter shall then be forwarded to the Hospital Police Chief. The Hospital Police Chief or designee shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS

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

Upon separation from employment with OPS, all officers issued traffic citation books shall return any unused citations to Records.

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

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

505.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

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- (a) Administrative reviews are conducted by the Hospital Police Chief or designee who will review written/ documentary data. Requests for administrative reviews are available at the front desk of the Office of Protective Services at each State Hospital. 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.
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- (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. (Veh. Code, § 40215, subd. (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. (Veh. Code, § 4 215, subd. (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 sections 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days. (Veh. Code, § 40215.)

505.7.2 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.

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- (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. (Veh. Code, §§ 40209, 40210.)

505.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.
- (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.

505.8 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.