

**MARIN COUNTY SHERIFF'S DEPARTMENT
PATROL SERVICES POLICY AND PROCEDURE MANUAL**

**GENERAL ORDER
PAT-02-05
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**DATE:
August 14, 1991**

TRAFFIC ENFORCEMENT AND CITATIONS

PURPOSE

This order sets forth the objectives and responsibilities of the traffic law enforcement program of this Department, and the procedures to attain the objectives.

POLICY

- A. Traffic law enforcement, while not a primary responsibility of this department, is an important part of maintaining the public safety and security. The primary objectives of the traffic law enforcement of this department are;
1. Prevention of accidents
 2. Pedestrian safety
 3. Maintenance of traffic flow

RESPONSIBILITIES

Each member of this department and traffic enforcement employees shall enforce statutes and ordinances regulating the operation of motor vehicles and the conduct of pedestrians in Marin County when the violations are observed while on duty. Each member witnessing traffic violations shall take action to arrest, cite, or warn the violator. Traffic enforcement employees witnessing traffic violations shall take such action that is allowed by law for them to take or call a Sheriff's deputy to the scene.

- B. Each member or employee shall be fully responsible for his/her actions when stopping, citing, warning or arresting a traffic violator. He/she shall abide by the policies of this Department in his/her conduct toward persons to whom he/she issues a citation, warning or in making an arrest.
- C. Members or employees issuing traffic or parking citations shall proceed in a courteous, fair, firm, impartial and business-like manner. They shall scrupulously avoid any display of officious or overbearing attitude, and shall not use any language designed to belittle, ridicule or embarrass the violator.
- D. Members or employees should avoid any unnecessary loss of time for the violator and make every effort consistent with accuracy and safety to expedite the issuance of the citation.

SELECTIVE ENFORCEMENT

- A. Selective enforcement of moving violations shall be authorized for the sole purpose of attaining the primary objectives.
- B. District and/or Watch Commanders shall be responsible for all selective enforcement

programs initiated by this department in the unincorporated area of Marin County or contract areas that are within their district.

- C. All selective enforcement programs initiated by this department will be coordinated with the Marin-Golden Gate Office of the California Highway Patrol. This is to insure that any program by this Department does not interfere with programs or objectives of the CHP, who have a primary traffic law enforcement responsibility in the unincorporated area of Marin County.

PROCEDURE

- A. The following procedures shall be observed when issuing a citation or warning:

1. Proper "pull over and stop" techniques shall be used.
2. Violators shall be stopped in a location which will not create a hazard to traffic or themselves.
3. When the violator has been safely stopped, the member or employee shall:
 - a. Take necessary precautionary measures prior to approaching the vehicle.
 - b. Use caution when approaching the violator.
 - c. Be polite, positive and professional in asking the violator for his operator's license.

Note: Should the violator offer his billfold or card case, request the violator extract and present the license only. If the violator does not have an operator's license, some form of identification containing name, address, and physical description shall be requested. Query DMV for assistance in identifying the violator.

- d. Notify the violator of the violation(s) and the intended action.
- e. Answer all pertinent questions, but refrain from offering unsolicited explanations regarding the violation.
- f. Do not estimate bail or court action. Refer the violator to court. Bail will be obtained from the bail schedule if not listed on the citation.
- g. Refer all violators to the instructions on the back of their copy of the citation (front of parking citations.)
- h. All remarks appearing on the court copy of the citation must appear on the defendant's copy as the citation acts as a formal complaint.
- i. If the violation is for a felony or a mandatory arrest section of the California Vehicle Code (CVC) make a physical arrest. Do not issue a citation.
- j. Aid the violator back into the traffic flow, where necessary.

- B. When a violator refuses to sign a traffic citation, the citing officer shall refer the violator to the printed information on the face of the citation directly below the space provided for his/her signature.

1. He/she shall be informed that the signing of the citation does not constitute an admission of guilt, but it is merely a signed promise to appear in answer to the charge.

2. If the violator continues to refuse to sign the citation, he/she will be advised that by refusing to sign the promise to appear he/she will be transported to the County Jail and booked for the violations.

CITATION BOOKS

- A. A log will be maintained in the Civil and Documentary Services Division indicating to whom citation books were issued and the citation numbers contained in the book.
- B. The Patrol Division Watch Commander will obtain citation books in blocks of twenty for issuance to individual members through their sergeants. A copy of the log sheet indicating which individual each book was assigned to will be forwarded to the Civil and Documentary Services Division as each block of twenty are issued.
- C. A member will not have more than two misdemeanor/traffic citation books issued to him at any one time, and not more than two parking citation books. Exception, members or traffic employees assigned to parking enforcement may obtain sufficient books for citing violators.
- D. When a citation book is lost, a written report will be made indicating the numbers of the lost citations. The citations will be cancelled by the Civil and Documentary Services Division. A letter will be sent to the courts advising of the cancellation of the lost citations. If the book is found after the report has been filed, the citation book will be forwarded to the Records Section where it will be filed away and not used. Each citation in the book will have the word "void" written across it.
- E. If a member or traffic employee is transferred to a Division, or position which will take him/her out of duties involving traffic enforcement he/she shall turn in his unused citation book(s) to the Civil and Documentary Services Division.

SUPERVISORY RESPONSIBILITIES

- A. Supervisory personnel (sergeants), whose subordinates utilize traffic citations in the scope of their duties shall cause supervisory checks to be made of all completed citations for complete and accurate information. The citation will be checked for the following items:
 1. Completeness - Each blank space on a citation shall be filled in. If the item is not applicable, a dash will be placed in this space.
 2. Legibility - Citations shall be legible.
 3. Tampering - There shall be "no" erasures or changes made on a citation unless all copies are so changed (40505 CVC.)
 4. Errors - Inasmuch as an error or omission in certain items may invalidate the citation a positive check shall be made on the:
 - a. Date of the offense
 - b. Correct Section of the Vehicle Code cited

- c. Cited speed and speed zone shall be checked on all violations.
 - d. Signature of the violator
- B. When tampering, omissions or errors are observed by a supervisor on a citation submitted to him/her for checking, the supervisor shall withhold the citation and contact the issuing member or employee and have a letter of correction completed and forwarded with the citation to the court or Parking Authority and a copy to the violator.
- C. The Shift Supervisor, having check the citations, shall forward them to the Civil and Documentary Services Division.

COMPLETION OF CITATIONS

- A. When issuing a citation, the citing member or employee shall:
 - 1. Use a ball point pen containing black ink, or a sharp lead pencil.
 - 2. Place a hard surface material under the last copy of the citation before starting to complete it.
 - 3. Print legibly and inspect the carbon copies of each to be certain that they are legible.
 - 4. Use only approved abbreviations (see Appendix A.)
 - 5. Each blank space shall be filled in. If the item is not applicable, a dash shall be placed in the space.
 - 6. There shall be no erasures or changes made on a citation unless all copies are so changed.
 - 7. Include a complete prima facie case of the violation(s) on the citation. Failure to do so could make it impossible for the court to properly adjudicate the case.
- B. Date of violation entered on the citation - The month written in full or abbreviation of the month shall be used on the citation. The sequence for the date of the violation shall be month, date, year.
- C. License plate numbers entered on the citation:
 - 1. The license plate number and the abbreviation for the State will be entered on the citation. If the license plate is from another Country, the issuing province and country will be indicated.
 - 2. When the vehicle has no license plate, the VIN number shall be printed on the citation in the space provided for the license plate number and identified as "VIN."
- D. Authorized abbreviations on citations: - Appendix A contains a list of authorized abbreviations that may be used on citations.
- E. Violations entered on the citation - Code section numbers only shall be used on the citation. When several violations are entered the most serious shall be entered first. A moving violation shall be considered more serious than a non-moving violation.

- F. Notes on the citation - When issuing a citation, all data necessary to establish a prima facie case shall be entered in the "description of Violations." This data will be after the code section number.
- G. When the citation is for speed violations, the speed blocks will be completed as follows:
1. The first block shall be for the alleged speed which may be determined by pacing, estimation or electronic device.
 2. The second block concerns the prima facie speed or maximum speed limits. Inasmuch as prima facie speeds are tested as being safe and reasonable under normal conditions. Whenever unfavorable or unusual conditions exist, the speed must be reduced to a reasonable or prudent speed. (22352 CVC)
 3. The third block entitled "VEH SPD LIMIT" is to be used when citing for posted speed violations. Enter the posted speed limit. If no posted speed limit, then do not enter anything instead complete the prima facie block in accordance with vehicle code section on prima facie speeds.
 4. The fourth block is to be used when the safe speed for the prevailing conditions is lower than the posted or prima facie speed limit. Members issuing citations shall describe these unsafe prevailing conditions on the bottom lines of the violation section, i.e., fog - visibility 100 feet, heavy rain - roadway flooded - visibility 75 feet, rain - roadway slippery.
- H. Location of violations - Parking Citations - On the line for location of violation are four squares printed "N", "E", "S", "W." A check mark will be placed in the square indicating which side of the road the parked vehicle was located. In the location block the numerical and street address will be entered (i.e., 150 Pacific Way.) The city or geographical area will be entered in the city block (i.e., Muir Beach, Marin City, Dillon Beach.) The cross street block will have the name of the nearest cross street entered.
- I. Vacation periods and days off entered on citation - The citing officer shall enter his vacation period, including regular and special days off, when known, in the appropriate space on the rear of the white copy of the citation.
- J. Traffic citations issued to a juvenile - Juvenile issued a traffic citations for violations of the California Vehicle code or traffic sections of the County Code will have the block "to be notified" checked. Information that the member wants the juvenile traffic court to be aware of can be written on the back of the white copy of the citation.
- K. Traffic citations-Diplomatic and Consular officials - When a consular officer is stopped for a traffic violation, the member, upon being advised by the driver that he/she is a consular officer, and ascertaining that he/she possesses the proper credentials, shall exercise his/her discretion based upon the nature of the offense, and/or the surrounding circumstances.
1. Generally, it is the policy of this department not to issue citations to consular officers but rather to warn the violator of the dangers of his/her actions and allow them to proceed. In an aggravated case, the member may, based upon his/her assessment of the facts, issue the appropriate citation.
 2. Mere issuance of a citation does not constitute arrest or detention as consular

officers have diplomatic immunity to arrest.

3. Should the consular officer refuse to sign the citation, he/she shall be permitted to proceed; however, all copies of the unsigned citation, together with a detailed memorandum, shall be forwarded to the Office of the Sheriff without delay.

CITATION DISMISSAL

The citation and a memorandum giving an explanation as to why the citation should be dismissed or cancelled shall be submitted to the Day Watch Commander. Patrol Division, thru the member's or employee's Chain of Command. The member's or employee's Division Commander shall indicate his/her approval or disapproval on the memorandum before forwarding it. (Parking Tickets Only)

VOIDED CITATIONS

Citations that are voided in the field by the issuing member or employee will be marked "void" across the front of the white copy. The white copy and all copies will then be forwarded through the member's or employee's supervisor to the Records Section, Civil and Documentary Services Division for filing under the member's or employee's name in the citation file.

INDEXING ALTERNATIVES

A. This order may be indexed as:

1. Traffic Enforcement
2. Traffic Citations
3. Citations, Traffic
4. Vehicle Code Citations.

By Order of

CHARLES T. PRANDI
SHERIFF

APPENDIX A

AUTHORIZED ABBREVIATIONS

Abbreviation used in traffic citation notes shall be limited to the following:

I/S Intersection

Deft	Defendant
Approx	Approximately
Veh	Vehicle
N/B	Direction
S/B	Direction
E/B	Direction
W/B	Direction
Ped	Pedestrian
MPH	Miles Per Hour
POV	Passed Other Vehicle
ROW	Right of Way
X-ing	Crossing
Mkd X-ing	Marked Crossing
Dble Line	Double Line
Exp	Expired
Temp	Temporary
Plts	Plates
Sig	Signal
M/C	Motorcycle
Bus Dist	Business District
Res Dist	Residential District
Reg	Registration
Traf	Traffic
Lt/T	Left Turn
Rt/L	Right Turn
Spd	Speed
Blks	Blocks
FY	Freeway
Obs	Observed
X-walk	Cross Walk
Est	Estimate
FTC	Following too closely
Ln Chg	Lane Change
Max	Maximum
Pkd	Parked
IFO	In Front Of