

		Policy & Procedures			No. 1.23	
		Subject: Motor Vehicle Citations				
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CALEA STANDARDS: 61.1.2 61.1.4 82.2.5 82.3.3

GENERAL CONSIDERATIONS AND GUIDELINES

The Massachusetts Motor Vehicle Citation form and the Motor Vehicle Automated Citation and Crash System (MACCS) known as E-citations are used by officers to record motorist's violations. E-citations are the primary mode of issuing a citation with the paper citation as a back-up. Citations serve to notify the violator, the courts and the Registry of Motor Vehicles that a violation has been committed by the person named. They are also used as a reference and a permanent record of violators and violations within our own system. Therefore, it is essential that all officers and employees adhere to the procedures outlined in this Directive relative to the preparation, processing and distribution of these documents.

It is the policy of the Canton Police Department to prohibit any type of profiling. Racial, age, gender, and any other type of profiling is strictly prohibited as a justification for an officer to conduct any type of a stop or a seizure of any individual(s).

PROCEDURES

I. OFFICERS ISSUING CITATIONS: 61.1.2 A,B,C; 61.1.4 (2A,B,C)

Officers have discretion as to what type of citation (if any) to issue a violator. The violation usually dictates which will occur.

The following guidelines are to ensure that enforcement actions by the officer are commensurate with applicable laws and consider the degree and severity of the violation committed.

Upon writing a Citation all officers shall completely fill out ALL required information, check the appropriate disposition box and sign the form.

The original will be given to the violator in-hand prior to release and if it is a:

- A. **(C)WRITTEN WARNING:** Explain to the violator that the written warning will not go against their driver's record, however, the warning is still sent to the Registry;
- B. **(B)CIVIL CITATION (monetary fine):** Advise the violator to fully read the backside of the Citation for an explanation of fine paying procedures and alternatives – whether court appearance is optional or mandatory **(2A)** and if the motorist is allowed to enter a plea and/or pay the fine by mail **(2B)**;
- C. **(A)CRIMINAL COMPLAINT:** Advise the violator that they will be receiving paperwork in the mail from Stoughton District Court with a date/time to appear to answer to the charges. The officer must provide information relative to the specific charge. **61.1.4 (1,2C)**
- D. **(C)VERBAL WARNING:** Explain to the violator the reason they were stopped; specifically what the infraction was. Advise them that they are being left with a verbal warning in exchange for compliance. Advise that it will not go against their driver's record.
- E. **(A)PHYSICAL ARREST:** Explain to the violator the reason for the stop and the subsequent arrest. When possible, before making the arrest, ensure a back-up officer is present.

- II. If a Citation is being issued as result of an investigation and it is not possible to give it to the Violator in-hand due to exigent circumstances, it is acceptable and legal to mail it to his/her last known address. If time exists, the citation should be directed through the Chief's Administrative Assistant who can mail it. **61.1.2 B**

Upon returning to the station or at a convenient time before ending his/her tour of duty, each officer shall place all completed written citation copies in the appropriate secure citation box.

- A. **ALL INSTANCES:** It is strongly recommended that each officer retain the Officer's Copy for his/her own records. This is for self-protection and reference. The copies shall be retained for a minimum of one year from the Date of Issuance.
- B. **CRIMINAL COMPLAINTS AND ARRESTS:** In both of these instances, the officer will file a complete report and fill out an Application for Complaint form according to procedure. The report attached to the Complaint form shall be placed in a folder with the appropriate charges appearing on the front. This folder shall be placed in the Prosecutor's box. **61.1.2 A,B**

- III. **COURT PROSECUTOR:** On a daily basis, when Court is in session, the Court Prosecutor or the person handling Court in his/her absence, shall remove all applicable Citation copies and Court Folders and take them to the Stoughton District Court.

On Criminal Complaints and Arrests, the Court Prosecutor will turn the Application and the Citation copies over to the Court for normal processing. All case folders will be filed in the Prosecutor's office in a designated area marked "Open Court Cases" until they are adjudicated.

- IV. RECORDS SECTION:** On a daily basis, weekends excluded, the Chief's Administrative Assistant shall remove any written Citation copies from the citation box. They shall be processed as follows: **61.1.2 A,B,C**
- A. (C)WRITTEN WARNINGS:** Separate the four (4) remaining copies and mail the one (1) RMV copy to the Registry and prepare the agencies copy for filing. *E-citation warnings* will be retained in the MACCS data-base for reference.
 - B. (B)NON-CRIMINAL CITATIONS:** These will be handled in the same manner as Warnings.
 - C. (A)CRIMINAL TRAFFIC COMPLAINT & ARREST REPORTS:** Upon adjudication, the Court Prosecutor will note the disposition on the front of the complaint folder. The information from the citation in addition to the court disposition will be entered into the Department Computer System.
- V. DEPARTMENT CITATION PROGRAM:** The complete E-citation information shall be automatically back-filled into the Department Computer for every case of issuance and will be stored in the MACCS data-base. Officers are encouraged to query this file whenever they deem it necessary. The information will primarily be used to determine if the officer has a question as to whether an operator he/she has stopped has ever been cited in this community in the past. It is also used by the Court Prosecutor when he/she has to present a non-criminal citation in court. The information received back can assist in determining the final disposition of the matter by the officer. It will also be used in the traffic analysis process to determine locations of high violation volume. **61.1.2; 82.3.3**
- VI. SECURITY AND ISSUANCE OF CITATIONS:** All un-issued motor vehicle citation books shall be stored in the dispatch room. Issued books shall be accounted for by utilizing the "sign-out" log. Should an officer have to "Void" a citation, a written explanation will be forwarded to the on-duty Lieutenant along with the citation. **82.3.3**