

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: DUTY MANUAL REVISIONS:
ELECTRONIC CITATION SYSTEM
(E-CITE)**

DATE: July 1, 2022

APPROVED

Memo# 2022-030

BACKGROUND

The Department is transitioning to an electronic citation system (e-cite) for all citable criminal and non-criminal violations. E-cites will be completed via the Crossroads app on Department issued mobile phones and transmitted electronically. Copies of citations will be printed on a mobile printer. The arrestee will be issued a printed copy.

Per California Penal Code Section 853.9(c), when an e-cite is issued to and signed by the arrested person, the copy of the e-cite issued to the arrested person need not include the signature of the arrested person, unless specifically requested by the arrested person.

Crossroads is available for download on the Department "App Catalog" on all Department issued mobile phones and tablets. All sworn Department personnel will receive training on the use and maintenance of issuing electronic citations beginning July 11, 2022. Training will be complete by August 4, 2022. Once trained, all Department members will be required to issue electronic citations and prohibited from issuing paper citations, except under specific circumstances.

ANALYSIS

The Duty Manual has been revised to reflect the changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike-through~~ form.

L 2502

COMPLETING AND ISSUING CITATIONS FOR MOVING VIOLATIONS:

Revised 07-01-22

Officers shall use an electronic citation (e-cite) system when issuing any citation unless any of the following exceptions are present:

- *Technical issues related to the e-cite handheld device, associated printer, or designated e-cite server*
- *The issuing officer is a reserve officer*

The information needed to complete a citation is generally obvious. However, the following needs to be emphasized to prevent their being neglected:

- When issuing a paper citation to an adult or juvenile, the proper place for the court appearance must be noted by crossing out the place not applicable. For e-cites, under the "court" heading, select the appropriate court from the available options.
- Check "yes" or "no" in the boxes marked "Radar" and "Accident"
- When issuing a citation to a violator, the officer should explain the appearance requirements even though they are printed on the citation.
- If a citation is issued for a vehicle defect, the officer will explain ~~that~~ to the violator the repairs or adjustments need to be corrected immediately, the repairs have to be verified by another officer within 10 days, and ~~make contact with~~ the court within 15 days of the date of issuance to ascertain if a fine is associated with the violation.
- If a vehicle is unsafe or overloaded, the officer should be ~~are~~ cite the violator, and advise them to discontinue the use of vehicle ~~such a vehicle~~ until the vehicle has been repaired or properly equipped.
- Do not ~~Never attempt to~~ tell the a violator what the bail or fine is for any violation.

Note: Refer to Duty Manual section L 3104 – THUMBPRINT ON CITATION and L 3104.1 – PHOTOGRAPHING VIOLATORS AND ARRESTEES WITHOUT SATISFACTORY IDENTIFICATION for further information on completing and issuing citations.

L 2503

NOTES ON CITATIONS:

Revised 07-01-22

The officer issuing a paper citation may use the back of the pink copy for making notes about a violation. The pink copy remains in the Records Unit. A copy is made for the officer to use in court. Regarding electronic citations, the officer issuing the citation will utilize the "notes" feature in the e-cite software for making notes about a violation. The notes will upload with the e-cite and will not be forwarded to the court. Citing officers will have the ability to print a copy of their citations and associated notes and images to be used in court.

These notes should include but are not limited to:

- ~~ROAD~~ CONDITIONS ~~conditions~~: Loose material, roadwork, width, surface conditions, etc.
- The number, sex, and position of passengers in the vehicle
- If radar, when the unit was last tested and found accurate and where the radar unit was located
- The address or location where the violator was stopped
- Details of the violation itself
- Relevant remarks of the driver
- Characteristics of the driver which may help you in identifying them ~~him~~ in court
- Your own location when the violation was observed
- Directions of travel of the officer's vehicle

Officers will record the facts present which prompted the issuance of the citation and use such records if court appearance becomes necessary.

L 2505 TURNING IN CITATIONS:

Revised 07-01-22

Officers will upload and/or turn in citations prior to securing from the tour of duty during which the citation was issued.

L 3103 COMPLETING THE CITATION:

Revised 07-01-22

Officers are required to use an electronic citation ("e-cite") system when issuing any citation, except when experiencing technical issues with any of the following:

- E-cite handheld device
- E-cite printer
- Designated e-cite server

Information required on the face of the citation must be filled in as completely as possible. In securing a violator's name, address, description, etc., an officer must exercise the same care as though the information was to be used for a warrant. Where information is not available, the word "none" is used in the proper space. Citations are not issued for offenses without identifiers such as driver's license number, date of birth, or permanent resident alien registration card, in addition to the name and physical description.

Paper citations: The defendant's copy of the citation is given to the violator after they he/she signs it.

Electronic citations: A completed paper copy may be printed prior to the violator signing the e-cite. Once the violator signs the electronic citation device, the officer may then provide the previously printed, un-signed paper copy to the violator. The e-cite will later upload with the violator's signature present. If a violator requests a copy of the citation with their signature present, one shall be provided.

L 3104 THUMBPRINT ON PAPER CITATION OR WITH AN ELECTRONIC CITATION:

Revised 07-01-22

In any case in which a paper citation is issued to a person is arrested for an infraction, except as specified in sections 40302, 40303, 40305, and 40305.5 of the Vehicle Code, or ~~in any case in which a person is arrested~~ for a misdemeanor, including any city or county ordinance, an officer shall require the arrestee to place a right thumbprint on the citation notice to appear if the arrested person has no driver's license or other satisfactory evidence of identity in their his or her possession.

When a paper citation is issued and the an officer reasonably believes that the identification provided is either counterfeit or does not belong to the arrestee, the officer shall require a right thumbprint to be placed on the citation ~~notice to appear~~. If the arrestee has a missing or disfigured right thumb, the Department may require a left thumbprint or fingerprint, and the officer will indicate which thumb or finger was used for the print. The print should be placed at the bottom area of the citation where the space for the diagram appears. If obtaining a thumbprint poses a threat to officer safety, officers are not required to take one.

When issuing an electronic citation, officers will utilize a fingerprint card (Form 200-10E) available from Central Supply. The violator's thumbprint will be placed on the front of the

card (matte side), with the case number, date, officer, badge number, etc. The issuing officer will take a digital photograph of the completed fingerprint card using the e-cite's integrated image capture feature. The image of the completed fingerprint card will upload when the e-cite is uploaded/synced. The fingerprint card is not considered evidence and may be disposed of after it is photographed.

L 3104.1 **PHOTOGRAPHING VIOLATORS AND ARRESTEES WITHOUT SATISFACTORY IDENTIFICATION:**

Added 07-01-22

Regardless of issuing a paper citation or electronic citation, if the violator has no driver's license or satisfactory evidence of identity in their possession, or the officer believes the identification provided is counterfeit or does not belong to the violator/arrestee, an officer may photograph the violator using a Department issued camera or the image capture feature in the e-cite system. All photographs shall be uploaded to aid in identifying the a violator.

L 3110 **TRAFFIC CITATIONS TO JUVENILES ARRESTED:**

Revised 07-01-22

Whenever a juvenile is admitted into Juvenile Hall for traffic violations, except Sections 10851 through 10854 of the California Vehicle Code, the arresting officer will also issue a traffic citation. Paper cCitations issued to juveniles for "Reckless Driving" are accompanied by notes on the pink copy of the citation or in the Notes section of the e-cite and/or a "Juvenile Contact Report" (County Form 2259). Under Juvenile Court law, the citation is the legal means by which the juvenile is brought before the Juvenile Court Traffic ~~Referee~~ and the means by which this information is transmitted to the Department of Motor Vehicles.

L 7614 **APPEARANCE IN CASES INVOLVING RADAR:**

Revised 07-01-22

With regard to lidar/radar violations, the court requires the appearance of the radar operator only. It is not necessary for the officer writing the citation to appear. Therefore, officers who are writing the citation will write their name and badge number on the first line of ~~both~~ either the eE-Cite ~~and or~~ paper citation. If the name of the lidar/radar operator is different from the officer writing the citation, then the name and badge number of the lidar/radar officer will be printed or inserted on the second line of ~~both~~ either the eE-Cite ~~and or the~~ paper citation.

R 1606 **METHOD OF COMPLETING REPORTS:**

Revised 07-01-22

The following forms will be completed as indicated:

- GENERAL OFFENSE REPORT (FORM 200-2-AFR): Completed by the officer assigned to the incident. In the event of an arrest, completed as soon as possible after the arrested party has been booked or otherwise processed.
- VEHICLE REPORT (Form CHP 180): Handwritten in the field on abandoned and impounded vehicles, and stolen vehicle recoveries where the victim is not able to pick up the vehicle.

- PREBOOKING AND DRUNK IN PUBLIC REPORT (COUNTY FORM 3214): Handwritten at the time the suspect is booked or otherwise processed.
- EMERGENCY ADDRESS CARD (FORM 200-14): Handwritten-
- NOTICE TO APPEAR (FORM 200-15 AND OTHER CITATION FORMS): Handwritten *or completed* at the time issued-
- TRAFFIC COLLISION REPORT PROPERTY DAMAGE ONLY (FORM CHP 555-03): Handwritten at the scene of the incident
- ABANDONED VEHICLE WARNING (FORM 200-27): Handwritten-
- INTERROGATION REPORT (FORM 204-9): Handwritten at the time the information is obtained-
- DRIVER UNDER THE INFLUENCE REPORT (COUNTY FORM 909A): Handwritten at the time the information is obtained-
- JUVENILE CONTACT REPORT (COUNTY FORM 2259): Handwritten when completed in the field; may be typed when completed at the Juvenile Division offices-

S 1126 OTHER REQUIRED EQUIPMENT:

Revised 07-01-22

~~On-duty uniformed non-supervisory officers on duty, in uniform and assigned to the Bureau of Field Operations,~~ will have available and use the following additional equipment:

- Miscellaneous report forms
- Fingerprint equipment
- ~~Beat map book~~
- Shotgun (~~non-patrol only~~ vehicle uniform officers are excepted)
- Citation book and electronic citation system
- Municipal Code booklet
- Vehicle Code book or Redi-Ref pamphlet
- Marking crayon
- Crime scene tape

In addition, the following optional uniform items may be worn when appropriate, subject to control by an officer's immediate command structure:

- Dress jacket
- Black dickey, turtleneck, or mock turtleneck
- Sweater
- Scarf
- Raincoat, rain pants-/chaps, and rain hat cover

S 3503 OBTAINING AND RETURNING PAPER CITATION BOOKS:

Revised 07-01-22

~~Department members will adhere to the following procedures pertaining to "Notice to Appear" (Form 200-15) and "City of San Jose Parking Citation" (Form 200-15-1):~~

~~DEPARTMENT MEMBER'S RESPONSIBILITY: Adhere to the following procedures for obtaining and returning citation books:~~

- Receipt of Books Receive Notice to Appear (Form 200-15-1) and City of San Jose Parking Citation (Form 200-15) books at Central Supply-

- ~~Return of Used/Partially Used Books.~~ Return Turn in used or partially used paper citation books to Central Supply no later than six months from the date of issue, if no longer needed. In addition, ~~D~~department members who are transferred or promoted from the Bureau of Field Operations will turn in their paper citation books for reissue.
- ~~Loss of Books.~~ In the event that a paper citation book is lost, stolen, or otherwise not available for return to Central Supply, report the loss in accordance with Duty Manual sSection 1908 - (REPORTING reporting LOST test OR STOLEN stolen CITY EQUIPMENT equipment).

RESPONSIBILITY OF PROPERTY MEMBERS: Adhere to the following procedures for issuing citation books.

- ~~Recording and Processing Information.~~ All citation sign out cards
- ~~(Form 206-29A) will be logged giving the book number, department member's name, date issued and date returned.~~
- ~~Due Date.~~ All books will be stamped with a due date.
- ~~Processing Returned Books.~~ All returned citation books will be held for 90 days, or until the quarterly court summary is received and checked.
- ~~Accounting for Returned Books.~~ When a citation book is not returned within six months from the date of issue, Central Supply will notify the supervisor of the department member responsible for the book that the book has not been returned. The supervisor will ensure that the department member follows the appropriate procedures for return of the book.

S 3503.1

OBTAINING AND RETURNING ELECTRONIC CITATION SYSTEMS (E-CITE):

Added 07-01-22

- Ensure the most recent version of the Department's e-cite software is downloaded to the Department member's assigned Department issued cellular device.
- Unless an e-cite printer is permanently assigned to a Department member, an e-cite printer shall be checked out from Central Supply at the start of their shift and returned to Central Supply at the end of their shift.

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata
Chief of Police