

Memorandum

City of Lawrence

Police Department

To: David Corliss, City Manager
Tarik Khatib, Chief of Police
Captain Daniel Ward
From: Sergeant Adam Heffley
Date: January 13, 2013
Re: 2012 Voided/Dismissed Citation Report

BACKGROUND

In 2012 the Lawrence Police Department implemented policy in reference to the process by which issued citations are voided and/or dismissed. The policy took effect August 27, 2012 with the goal of maintaining an accurate accounting for municipal citations issued by Officers. A citation is "Voided" when the citation was created, printed and found to be in error. The Officer retains both printed copies and completes the "Void" form to notify Municipal Court. A request for "Dismissal" form is used when a citation has been issued to a vehicle or person and then the need for dismissal arises at a later time. The "Dismissal" form is then completed and submitted in the same manner. The data below represents the forms turned into the Office of Professional Accountability as required in the policy.

DATA

2012 Voided Citations

Voided due to equipment malfunction	33
Writing Errors, Duplicate Citations et al.	34
TOTAL:	67

2012 Request for Dismissals

Charged through District Court	6
Dismissed due to equipment malfunction	5
Duplicated citation on single violation	1
Error in writing (omitted ordinance)	1
All other (listed in discussion)	3
TOTAL:	16

It is important to remember that this data represents August 27, 2012 through December 31, 2012 only.

DISCUSSION

The data collected reveals a statistically significant number of voided and dismissed citation requests which appear to have been created in response to equipment malfunctions. For a variety of reasons the automatic ticket writers produce errors or have failed to produce a second copy of the citation. This is an ongoing issue that the Information Services division is aware of and is addressing. Several citations

were voided or dismissed in order to facilitate the charging of the subject through District Court after more information was gained.

When we exclude the equipment malfunctions, errors in data entry, and changes in the level of charges we are left with three citations that were written correctly, printed and issued to a vehicle or person and dismissals were sought out; A parking citation was issued to a United States Secret Service vehicle while the Agent was in the performance of his/her duty. The second was a parking citation written to an unmarked Lawrence Police Department vehicle while the driver was working in the area. The final citation was issued to the subject of an investigation by an Officer in training who later learned that charges were not warranted due to lack of evidence. The trainee later requested the citation be dismissed.

Sergeant Adam Heffley
Office of Professional Accountability

Lawrence Police Department
Administrative Policy

SUBJECT Municipal Citation Accountability		APPLIES TO All Personnel	
EFFECTIVE DATE August 27, 2012	REVISED DATE None		
APPROVED BY Chief of Police		TOTAL PAGES 3	POLICY NUMBER

POLICY

The Lawrence Police Department is committed to maintaining an accurate accounting for municipal citations issued by officers. Officers who void or request dismissal of municipal citations, either paper or electronic, shall do so in accordance with this policy.

DEFINITIONS

Void – The term utilized to describe the action of cancelling a citation that has been initiated or completed, but has not yet been filed with, or submitted to Municipal Court.

Dismissal – The term utilized to describe the action of cancelling charging or prosecution after a citation has been filed with or submitted to Municipal Court.

Just Cause – A circumstance that justifies the voiding or request for dismissal of a citation. Examples include:

- Citation is not legally or factually warranted.
- Citation is defective due to error on the part of the officer completing the citation.
- Due to changing circumstances, the case will proceed through District Court in lieu of the already started municipal process.
- Compromise of an on-going investigation.
- Malfunctioning of any component of the electronic ticketing system.
- Abandonment of the completion of the ticket due to other service response needs.
- Other articulable rationale in the interest of good public service and not based on favoritism.

PROCEDURE

- A. Voiding of citations. Citations may only be voided for just cause. The officer shall:
1. When possible, collect all copies of the citation;
 2. Note on the back of the citation if it is a handwritten citation, or in the ticket notes field of the electronic ticketing system if it is an electronic citation, the reason for the void;
 3. Complete the Citation Void Form which shall include the reason for the void, attaching the copy or copies of the citation thereto;
 4. Forward the completed Citation Void Form with attached citation to the officer's direct supervisor, or in his or her absence, another supervisor, for review and approval;
 5. Absent the ability to make electronic notes or notes on the handwritten citation, an Officer's Special will be utilized to document the void and then forwarded through the chain of command as an attachment to the Citation Void Form.
 6. If the supervisor approves the request, forward the approved Citation Void Form and citation to the Municipal Court Clerk as soon as possible;
 7. A copy of the approved Citation Void Form and citation will also be forwarded to the Office of Professional Accountability.
 8. If the individual who was ticketed was released before the officer retrieved the citation, the Department shall notify the individual of the void by letter mailed to the individual's last known address.
- B. Dismissal of citations. Officers may request citations be dismissed for just cause. The officer shall:
1. Complete the Citation Dismissal Form and submit it to the officer's direct supervisor for approval;
 2. If the supervisor approves and signs the Citation Dismissal Form, the officer shall take the form to the prosecuting attorney to request dismissal;
 3. A copy of the approved Citation Dismissal Form shall be forwarded to the Office of Professional Accountability.
 4. The prosecuting attorney may dismiss the citation if it complies with the prosecutor's dismissal policy.
- C. Accountability
1. Paper Citations.
 - a. Citations will be available in the report writing room.

- b. When officers obtain citation books, officers shall complete the citation book log noting the starting and ending number of the citations received.
- c. Officers are responsible for all citations they have signed for and should take steps to ensure they are properly disposed of: issued, voided, etc.

2. Electronic citations

- a. Officers will take all reasonable steps to sign into the citation software with their name and Computer Aided Dispatch (CAD) employee number when assigned to a vehicle.
 - b. Each officer will take all reasonable steps to log out of the Mobile Data Computer (MDC) when no longer using it.
- D. The Department recognizes there may be situations that occur that are not addressed by this policy. These instances should be brought to the attention of supervision and documented through an Officer's Special and forwarded to the Chief of Police.
- E. The Department shall retain the Citation Void Form, Citation Dismissal Form, and the citation, if it is available, for a period of not less than seven (7) years. The forms and citations shall be public records subject to the Kansas Open Records Act of 1989, K.S.A. 45-215 *et seq.*, and amendments thereto.

Case/Citation Number

REQUEST FOR VOIDED CITATION

(Pursuant to the Lawrence Kansas Police Department Policy)

DEFENDANT'S INFORMATION:

Name: _____

DOB: _____

Charges:

PERSON REQUESTING VOID:

Title and Name: _____

CAD#: _____

Reason for Void:

Signature: _____

Date: _____

Supervisor Approval/ Signature: _____ CAD#: _____

Date: _____

NOTIFICATION TO DEFENDANT GIVEN/SENT BY:

Title and Name: _____

CAD#: _____

Date sent: _____

Case/Citation Number

REQUEST FOR CITATION DISMISSAL
(Pursuant to the Lawrence Kansas Police Department Policy)

DEFENDANT'S INFORMATION:

Name: _____

DOB: _____

Charges:

PERSON REQUESTING DISMISSAL:

Title and Name: _____

CAD#: _____

Reason for Dismissal:

Signature: _____

Date: _____

Supervisor Approval/ Signature: _____ CAD#: _____

Date: _____

PROSECUTOR APPROVAL:

Prosecuting Attorney signature: _____

Date: _____