

Traffic and Parking Citations

412.1 VERSION

| Review Date | Effective Date | Approving Authority |
|-------------|----------------|----------------------------------|
| 01/29/19 | 07/09/18 | Eric D. English, Chief of Police |

412.2 POLICY AND PURPOSE

This policy outlines the responsibilities for the issuance of citation books, and the procedures for correcting, voiding and dismissing traffic and parking citations. Officers may issue a traffic citation, parking citation, or written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

412.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

412.4 RESPONSIBILITIES

The Property Clerk shall be responsible for the supply and accounting of all traffic and parking citations issued to employees of this Department. Citations will be kept in a secure location and issued to employees by the property clerk or Records personnel. Employees will sign for the citation books when issued and upon return of unused citations or citation books.

Officers of the Harrisonburg Police Department shall only use Department-approved traffic and parking citation forms.

When the property office is closed, the officer should contact their supervisor to get another citation book.

412.4.1 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the Department member believes it is appropriate. The Records Unit should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this Department in accordance with the established records retention schedule.

412.5 TRAFFIC CITATIONS

For procedures on issuing traffic citations, see [Harrisonburg Police Department Policy Manual: 408.5 TRAFFIC ENFORCEMENT](#).

Harrisonburg Police Department

Policy Manual

Traffic and Parking Citations

412.5.1 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to the Records Unit. The Records Supervisor or the authorized designee shall prepare a letter of correction to the court having jurisdiction and notify the citation recipient in writing.

412.5.2 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to a supervisor for approval. The citation and copies shall then be forwarded to the Records Unit.

412.5.3 DISMISSAL

Officers do not have the authority to dismiss a traffic citation once it has been issued. Only the court has that authority. Any request from a recipient to dismiss a citation shall be referred to the Traffic Supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Supervisor may request the Operations Commander to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Prior to a court hearing, an officer may submit a request for dismissal of a traffic citation to his/her supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may forward the request to the Operations Commander to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal.

412.5.4 DISPOSITION

The court and file copies of all traffic citations issued by members of this Department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Records Unit.

412.5.5 DATA COLLECTION

The Crime Analysis Unit should maintain information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops including information relating to:

- (a) Traffic enforcement and accident data.
- (b) The race or gender of the individual detained.

The Crime Analysis Unit should submit annual traffic stop data to the Chief of Police of the information collected to assist in the implementation and administration of the Department's Bias-Based Policing Policy.

Harrisonburg Police Department

Policy Manual

Traffic and Parking Citations

412.5.6 TRAFFIC VIOLATIONS THAT MAY REQUIRE SPECIAL PROCESSING

(a) Military personnel

1. Military personnel include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard and Reserve Components serving an ACTIVE DUTY.
2. These individuals are required to have a valid license from their state of residence and are subject to physical arrest and issuance of Uniform Traffic Summons under the same guidelines as any other citizen with the exception of when "WAR" has been declared or immediate military action against a foreign, hostile government has taken place. In such cases, no physical arrest, EXCEPT in cases of treason or felonies, will be made on any military personnel going to, remaining at or in the process of reporting to a duty station.
3. The driver's license of a member of the armed forces of the United States, while serving outside the Commonwealth of Virginia, shall be held not to have expired for the duration of such service and for a period of 180 days thereafter. However, no such extension shall exceed three years from the date of expiration shown on the license (Code of Virginia Section 46.2-221.2).
4. Military personnel, licensed in a non-reciprocating state, but stationed in Virginia, may be issued a traffic summons for traffic violations.
5. Military personnel, licensed in a non-reciprocating state and stationed outside the Commonwealth, are not eligible for release on a summons for a traffic charge.
6. When investigating traffic accidents involving military personnel who are either injured to the extent they require hospitalization or killed, the investigating officer shall notify the appropriate military branch service office. In any case involving United States Military/Government equipment that is seized, towed or confiscated, the appropriate government agency will be notified as soon as possible

(b) Other individuals and public officials may be privileged from arrest:

1. Senators and Representatives of the Virginia General Assembly, when going to and returning from the same (except for felony or breach of the peace arrests).
2. Electors shall be privileged from arrest going to and returning from an election except for felony or breach of peace arrests.
3. Militia shall be privileged from arrest going to and returning from attendance at musters and elections except for a felony or breach of peace arrests.
4. Judges, attorneys, clerks, sheriffs and other court officers shall be privileged from arrest while attending court and while going to and returning from court.

412.6 PARKING CITATION APPEALS

Parking citations may be appealed in accordance with local and state law.