

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: JANUARY 22, 2021

NUMBER: 7.01 - TRAFFIC

SUBJECT: TRAFFIC ENFORCEMENT AND CITATION
PROCEDURES

RELATED POLICY: [7.01](#)

ORIGINATING DIVISION: TRAFFIC

NEW PROCEDURE:

PROCEDURAL CHANGE: **EXTENSIVE CHANGES**

SUPERSEDES: DP 7.01 – 07/23/2018

I. PURPOSE

This Department procedure establishes guidelines for traffic enforcement and citation issuance and accountability.

II. SCOPE

This procedure applies to all sworn members of the Department.

III. CITATIONS - TRAFFIC AND ADULT NON-TRAFFIC FIELD RELEASE

A. Notice to Appear (PD-177) - Traffic

The issuance of a traffic citation is applicable in most cases involving traffic misdemeanor and infraction violations. It may be issued to any person who jeopardizes the safe and efficient flow of vehicular or pedestrian traffic. In addition to hazardous moving violations, the citation form is appropriate for equipment, registration, and driver's license violations. Individuals who commit infractions and other minor violations may be cited or warned and released.

1. Content of the Citation

- a. Only one issuing officer's name will be listed on the face of the citation for all infraction violations.
- b. The officer who witnessed the violation identifies the subject and obtains his or her written promise to appear on the citation.
- c. The officer legibly writes the date, his/her name, ID #, command/shift, and beat where the violation occurred on the face of the citation.
- d. The officer notes on citations shall be written on the back of the pink copy.
- e. Any other officer(s) present who may have witnessed the violation, or a portion of the incident, should be listed in the notes on the back of the pink copy of the citation.
- f. One exception to this procedure is when the officer witnessing the violation is not the issuing officer. For example, an officer at a fixed post witnessed a traffic violation and another officer stops the driver to issue the citation. In this unique situation, the officer who witnessed the violation should be listed on the face of the citation below the name of the officer who issued the citation.
- g. Penal Code section 853.6 and Vehicle Code section 40500 require the subject's address to be placed on all Notices to Appear. Entries such as "Rescue Mission", "Transient", or "None" will be rejected for prosecution by the City Attorney and the courts. If an address is not available, a physical arrest may be considered if allowed by Penal Code section 853.5(a) or 853.6(i).

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2. Obtaining Citation Information

When obtaining citation information, officers are frequently given a false or fraudulent identification number by the subject. This often results in a misidentification case or dismissal in court. The following procedure will be used in completing a Traffic/Misdemeanor Citation form (PD-177).

- a. Identification numbers recited from memory and not in the possession of the subject will not be entered on the citation. This includes social security numbers, out-of-state driver's licenses, military ID numbers, or California Driver's License (CDL) numbers. Instead, identification numbers received from the

subject, which are not verified by an ID card, shall be listed in the narrative portion of the citation.

- b. Confirmation of a CDL or social security number by a Communications Division dispatcher is insufficient to validate the defendant's identification. This procedure applies to all citations.
 - c. If no identification is available, officers will enter only "No Valid ID" in the box provided for the CDL number and/or social security number. Officers will not use "NIP" (Not in Possession) or "None."
3. When issuing citations, officers shall mark the "City of San Diego" box if the alleged violation occurred within the City limits. If the violation occurred in another jurisdiction, officers shall mark the "Other" box and write the appropriate city.
4. Officers shall submit only one type of document to prosecuting agencies for all charges arising out of a single event. Combined charges (Penal and Vehicle Code violations, for example) will be set for appearance in the appropriate arraignment department. Officers shall NOT book suspects on felony or misdemeanor charges into a jail facility and issue citations as well. Officers shall include all charges on the Arrest or Juvenile Contact reports.
5. Physical arrests and misdemeanor citations for Penal Code section 148.9 will only be approved for charges arising from non-traffic incidents. Vehicle Code section 31 is to be charged when subjects provide false information during a traffic-related incident. Vehicle Code section 31 will be included on the same traffic citation with any other driving infraction or misdemeanor, and all such traffic matters will be set for appearance in the appropriate arraignment department.
6. Multiple Violations

When more than FOUR violations are charged, the supplemental form PD-898TR must be used. The supplemental may also be used to expand or clarify the charges of any other sections. The subject should sign the supplemental(s) when Vehicle Code charges are filed. If it is impractical to complete the supplemental immediately, write "Mailed to Defendant" on the signature line and mail the copy to the subject.

 - a. For citations listing more than four violations, or if the supplemental is used to clarify the charges, officers shall issue the subject the pink copy of the supplemental form and collate the

forms before submitting them to Citation Records (white copies stapled together, yellow copies together, etc.).

- b. If the violation is a traffic infraction, officers shall circle the “I” to the right of the infraction. Failure to circle the “I” in the “Infraction” box could result in the citation being rejected by the court.
- c. If the violation is a traffic misdemeanor, officers shall circle the “M” to the right of the infraction. Failure to circle the “M” in the “Misdemeanor” box could result in the citation being rejected by the court.

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7. Issuance of a Notice to Correct Citation (PD-177)

Vehicle Code section 40610 allows officers to issue a Notice to Correct Citation for any of the following types of offenses:

- a. Registration violations;
- b. License violations; or,
- c. Mechanical requirements/equipment.

8. Issuance of an Owner Responsibility Citation (PD-177)

- a. Owner responsibility citations pursuant to Vehicle Code section 40001 are only to be issued in conjunction with an arrest, a collision investigation or other law enforcement action, such as a traffic stop, where contact is made with the driver. They shall not be issued to the registered owner of an unoccupied (i.e. parked) vehicle.
- b. The arrest or issuance of a citation to the driver of a vehicle is prohibited unless the offense is clearly the driver's responsibility. (VC 40001(e)).
- c. Upon completion of the owner’s responsibility citation, the officer shall complete a “Proof of Service” in triplicate.
- d. For routing, the original and a copy of the proof of service is attached to the white and pink copies of the citation and submitted as normal.
- e. A copy of the proof of service is attached to the yellow copy (defendant copy) and mailed to the registered owner’s address.

- f. This is the only procedure that will satisfy the court's acceptance criteria for owner's responsibility citations.

9. Court Preparation

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- a. Officers shall obtain any documents, video (including BWC video), audio, or other items needed for possible evidence in any case they are subpoenaed for and prepare for court testimony in advance.

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- b. If BWC evidence is needed for court, officers will obtain the video(s) and make sure it is accessible for court testimony.

- c. When appearing in court, officers shall have a copy of the original citation and officer's notes. These are available from Records Division.

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- d. All evidence shall be in possession of the officers before their appearance in court.

B. Adult Field Release Citation (PD-177) - Misdemeanor

- 1. Penal Code section 853.6 specifies that persons arrested for misdemeanors shall be released with a written citation unless certain conditions apply. Those conditions are described in Penal Code section 853.6 (i) subsections (1) through (12).

- 2. The Adult Misdemeanor Field Release Citation (Notice to Appear) procedure is to be used in misdemeanor cases.

- 3. The legal requirements for issuing a citation are the same as those needed to justify a physical arrest. The misdemeanor must have been committed in the officer's presence or a private citizen who observed the offense must make the arrest.

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- 4. Officers shall issue Notice to Appear citations to all adults arrested for any misdemeanor offense, unless the subject meets any criteria under Penal Code section 853.6 (i) , when the person arrested meets the following criteria:

- a. Subject provides satisfactory evidence of personal identification. Satisfactory evidence of personal identification is that which reasonably assures the officer that the person is, in fact, who they claim to be.

- b. Subject has a valid residential address in the State of California or the metropolitan Tijuana area.

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5. Release of Suspects on Non-Traffic Related Misdemeanor Citations.

- a. Issuing an Adult Field Release Citation (PD-177), for a non-traffic misdemeanor crime, necessitates the need for officers to complete, and submit, a Case Report (Crime and/or Arrest) via NetRMS. Therefore, officers shall:

- (1) Issue a Case Number via the MPS or iNetViewer-compatible computer programs for the incident for which the cite is being issued.
- (2) Complete a Case Report, via NetRMS, with the charge(s) listed on the citation. The narrative portion of the report will document the crime which the officer had probable cause to believe was committed by the arrestee, the release of the arrestee, and what circumstance led to release via a Notice to Appear.

Information in the Case Report top sheet will include all pertinent information of the crime and arrestee(s), with special attention added to the following required fields in the Offenders section:

- a) Under Arrest Information, select Arrest Type and choose the “S – Cited” option.
 - b) For the JUS 750 Type, select the “Cited” option.
 - c) LE Disposition will be Misdemeanor (Adult Only)
- (3) The original citation (white copy) shall be scanned into the Case Report, and attached as an attachment, along with any additional documentation required for the arrest, i.e. a driver’s license printout, impound receipt, evidence receipt, etc. This will create a copy of the citation, with an original signature of the arrestee, if the original copy is misplaced, misfiled, lost, or destroyed, etc.
 - a) The original top (white) copy of the citation, with the original signature of the arrestee, will be attached to a printed copy of the Case Report, along with copies of any additional documents needed to substantiate the violations that were included as

attachments, and placed in the Misdemeanor Citation bin at each command, for forwarding to the investigative unit for review; and dissemination to the City Attorney's Office, or the South Bay District Attorney's (Southern Division Only) office, if charges are warranted.

b) The original secondary form of the Notice to Appear (pink copy) of the citation shall be placed in the Records bin at the respective command, for filing with the SDPD Records Division.

(4) If more room is needed for additional charges to be added to the citation, a Continuation of Notice to Appear shall be used. If this form is utilized, the same procedures for routing of the white and pink copies will apply.

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6. Release of Suspects on Traffic Related Misdemeanor Citations.

a. Issuing an Adult Field Release Citation (PD-177), for a traffic misdemeanor crime, **does not** necessitate the need for officers to complete, and submit, a Crime Report via NetRMS. Therefore, officers shall:

(1) Issue a Case Number via the MPS or iNetViewer-compatible computer programs for the incident for which the cite is being issued.

(2) Complete an Officer's Report, via NetRMS, with the charge(s) listed on the citation. The narrative portion of the report will document the crime which the officer had probable cause to believe was committed by the arrestee, the release of the arrestee, and what circumstance led to release via a Notice to Appear.

Information in the Officer's Report top sheet will include all pertinent information.

(5) The original citation (white copy) shall be scanned into the Officer's Report, and attached as an attachment, along with any additional documentation required for the arrest, i.e. a driver's license printout, impound receipt, evidence receipt, etc. This will create a copy of the citation, with an original signature of the arrestee, if the original copy is misplaced, misfiled, lost, or destroyed, etc.

- a) The original top (white) copy of the citation, with the original signature of the arrestee, will be attached to a printed copy of the Officer's Report and placed in the Misdemeanor Citation bin at each command, along with copies of any additional documents needed to substantiate the violations that were included as attachments, for forwarding to the investigative unit for review; and dissemination to the City Attorney's Office, or the South Bay District Attorney's (Southern Division Only) Office, if charges are warranted.
 - b) The original secondary form of the Notice to Appear (pink copy) of the citation shall be placed in the Records bin at the respective command, for filing with the SDPD Records Division.
- (6) If more room is needed for additional charges to be added to the citation, a Notice to Appear Supplemental shall be used. If this form is utilized, the same procedures for routing of the white and pink copies shall apply.

7. Continuation of Notice to Appear

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- a. When completing a supplemental form, the issuing officer shall mark an "X" in the appropriate box to indicate if the Continuation of Notice to Appear is a misdemeanor.

Officers shall also mark the box to indicate if the violation is Traffic or Non-Traffic related. One of these boxes must be marked. As this is a continuation of the original Notice to Appear, the marks shall be the same as that document.

- (1) Officers will fill out the Citation Number box with the Original Notice to Appear citation number.
- (2) The date and time of the citation issuance, day of the week, name of the person being cited, and their vehicle license plate information (if relevant), along with any additional violations, will also be documented in the appropriate boxes on the Continuation of Notice to Appear.
- (3) Officers shall place their name and identification (ID) number at the bottom of the Continuation of Notice to Appear, just as they would on the initial Notice to Appear, while also dating and signing it.

- (4) Officers will admonish the arrestee/violator that the Continuation of Notice to Appear is a continuation of documentation from the initial Notice to Appear and that it is not an admission of guilt, just a promise to appear in court at the appointed date and time (if listed).
 - (5) Officers shall have the arrestee/violator sign the Continuation of Notice to Appear and release the person, issuing them the yellow copy of the Notice to Appear and Continuation of Notice to Appear.
- b. When filling out the Continuation of Notice to Appear, officer should take care to make sure both the original Notice to Appear and the Continuation of Notice to Appear have the appropriate information filled out to connect both documents.
8. A subject should not be released with a citation when any of the following conditions of Penal Code section 853.6 (i) apply:
- a. The person is so intoxicated that he or she could be a danger to himself or herself or to others;
 - b. The person requires medical attention, or is otherwise unable to care for his or her own safety;
 - c. The person is arrested for any of the offenses listed in California Vehicle Code Section 40302 and 40303;
 - d. There were one or more outstanding arrest warrants or failures to appear in court on previous misdemeanor citations that have not been resolved for the person. (Misdemeanors must be San Diego County);
 - e. The person could not provide satisfactory evidence of personal identification;
 - f. The prosecution of the offense or offenses for which the person was arrested, or the prosecution of other offenses, would be jeopardized by the immediate release of the person arrested;
 - g. There is a reasonable likelihood that the offense would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested;

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- h. The person demands to be taken before a magistrate or refuses to sign the Notice to Appear;
- i. There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated in the officer's report;
- j. The person was subject to Section 1270.1.
- k. The person has been cited, arrested, or convicted for misdemeanor or felony theft from a store or from a vehicle in the previous six months.
- l. There is probable cause to believe that the person arrested is guilty of committing organized retail theft, as defined in subdivision (a) of Section 490.4.
- m. The form shall be filed with the arresting agency as soon as practicable and shall be made available to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release the arrested person from custody before trial.

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9. When the subject cannot be released with a Notice to Appear citation, the subject will be taken into physical custody. The arresting officer, with approval of the Watch Commander, will decide on the most appropriate disposition for the arrested person (e.g., County Jail or Notify Warrant).

10. Legal Considerations

- a. When prints and photos of the suspect are needed, they may be obtained prior to issuing a Notice to Appear pursuant to Penal Code section 853.6(g).
- b. When a person is physically arrested for a misdemeanor, Penal Code section 853.6(i) requires that the arresting agency keep a record documenting the reasons for not releasing the individual. The arresting officer must check the appropriate reason(s) for not releasing the subject on the back of the original copy of the arrest report.

11. Search and Seizure

- a. Searches of subjects issued misdemeanor citations (Notice to Appear) are limited and more restrictive than those involving full custodial arrests. Searches related to Notices to Appear are limited

to preserving evidence of the crime. If the officer has a reasonable belief that the person may be armed, a pat down search should be conducted.

12. Citation Detention Duration

- a. Citations should be completed in a reasonable amount of time including verification of identification, driving history and investigation of criminal nexus.
- b. Occasionally the duration of a detention may be extended or result in an arrest based on further investigation or officer safety considerations such as violence or threats of violence from the subject or others gathering at the location.

13. Admonition of Suspect

- a. A subject who is issued a citation pursuant to Penal Code Section 853.6 is deemed to be under arrest for the purpose of the Miranda Admonition. Officers must give the Miranda Admonition prior to questioning if they intend to question the subject and use the responses as evidence.
- b. When the subject is given the Miranda Admonition, the appropriate answers should be indicated on the Notice to Appear Supplemental.
- c. If the officer does not intend to question the subject or use any statements in court, no admonition is necessary.

C. Refusal to Sign Procedure

1. Traffic Citations

- a. A field supervisor will respond to the scene. The supervisor shall attempt to clarify the CVC violation for the motorist, explaining that signing the citation is a promise to appear in court, not an admission of guilt.
- b. If the motorist still refuses to sign the citation, the supervisor may elect to have the person physically arrested.
- c. If an arrest is made, the person shall be taken directly to the closest court location to appear before a magistrate. Courts are located at Superior Court, Kearny Mesa Branch, 8950 Clairemont Mesa Boulevard and Superior Court, Misdemeanor Arraignment, 1100

Union Street, and Superior Court South County Division (South Bay) located at 500 3rd Avenue in Chula Vista, during normal business hours.

- d. During non-business hours, the arrestee shall be transported to the Watch Commander for booking.

2. Non-Traffic Adult Field Release Citations

- a. If a subject refuses to sign a misdemeanor citation, a field supervisor will respond to the scene. The supervisor shall attempt to clarify the violation for the subject, explaining that signing the citation is a promise to appear in court, not an admission of guilt.
- b. If the subject still refuses to sign the citation, the subject shall be transported to the Watch Commander for booking.

- D. Citation Accountability

1. All citation books (parking, traffic/non-traffic Notice to Appear forms) shall be stored in a secure location and issued only by the appropriate supervisor. Citation books will be assigned to individual officers in numerical sequence, starting with the lowest citation number. The supervisor issuing the citation book will complete the Citation Accountability Log, printing his/her and the officer's name and ID number legibly. The Citation Accountability Log will be maintained with the citations (Parking and Traffic Citation Accountability Logs are available through the clerical staff). The Citation Accountability Logs will be retained by commands for a period of two years, after which time the logs shall be destroyed.
2. Officers will normally be limited to checking out two books at any one time. A command may allow officers involved in high enforcement to check out more than two books.
3. Officers will use only the citation books assigned to them and should not loan or borrow citations or citation books from other officers. On rare occasions, when circumstances require loaning or borrowing citations, it is the responsibility of the loaning AND borrowing officers to make the appropriate entries on their daily journals. A notation shall also be made on the Citation Accountability Log in which the citation book was checked out.
4. At the end of shift, copies of all citations written for violations shall be placed in the appropriate bin in the division Report Room. Non-traffic adult misdemeanor citations issued along with a crime case will be placed

in the appropriate report bin with the crime case. Citations shall not be removed from the bins except by the issuing officer for correction or by personnel designated by the commanding officer (i.e., division administrative support staff, etc.). The citations will be forwarded to Citation Records or the Division Misdemeanor Cite Desk, as appropriate. All citation numbers (Traffic, Non-traffic, Voided, Dismissed, Lost, etc.) are entered into ARJIS for tracking purposes.

5. Officers will immediately notify their supervisor in writing of any lost citation(s). An ARJIS-9 report shall be prepared including the missing citation number(s), a brief explanation of the circumstances, and date of loss. A completed Citation Dismissal Form must accompany the report. The supervisor will sign the dismissal form and forward it through the respective chain of command. After verifying the information, the commanding officer will forward the ARJIS-9 and dismissal forms to Citation Records. The same procedure will be followed if one or more copies of a citation issued for a violation is lost.
6. Damaged, Unused or Returned Citations
 - a. Notice to Appear Citations that are damaged and unusable will be voided according to the procedures outlined in Department Procedure 7.06, Voiding or Dismissal of Citations.
 - b. Supervisors shall collect all unused citation books from personnel leaving City employment, make a notation of the remaining citation numbers in the Citation Accountability Log, and forward them to Operational Support.
7. Citations shall NOT be impounded in the Property Room when they are needed as evidence. The Citation Void/Dismissal form will be completed with the notation "HOLD FOR EVIDENCE." The form will be approved by a supervisor and forwarded to Citation Records.
8. Citation Errors
 - a. Citations requiring correction will be returned to the area commands for routing to the originating officer. Officers shall NOT make notes, corrections, or any alterations on the face of the citation.
 - b. When an issuing officer determines that an error has been made and a citation correction is needed, the issuing officer MUST complete a Citation Correction Notice (PD-494) in triplicate. The original and one copy will be attached to the front of the citation and returned to Records, Citation Processing (MS 703). The

issuing officer shall mail the remaining copy of the correction notice to the subject.

E. Miscellaneous

1. Form PD-177 is used primarily for traffic and non-traffic adult subjects. The subject will be given the third (yellow) copy, which has the court appearance information printed on the reverse side.
2. The PD-177 may be used for juveniles if the charge is a traffic infraction or certain traffic misdemeanors (i.e., 31 CVC, 14601 CVC). It may not be used on juveniles for non-traffic related infractions or misdemeanors. All other non-traffic misdemeanor offenses involving juveniles will be documented on a Juvenile Contact Report. When a juvenile is arrested for other than curfew or traffic violation(s), the traffic violations shall be added to the Juvenile Contact Report. Complete and legible notes are required on the reverse side of the court copy of juvenile citations.
3. Notes for adult citations shall be written on the back of the pink copy unless a supplemental form is attached. When writing notes, the white and pink copies must be removed from the citation book. If the two copies are in contact, the notes will transfer to the other sheet and destroy its usefulness. **DO NOT USE FELT TIPPED PENS FOR WRITING CITATIONS OR NOTES ON CITATIONS.**

IV. OTHER METHODS AVAILABLE FOR TRAFFIC ENFORCEMENT

A. Issuance of a Written Warning

The written warning may be used effectively for selected traffic violations with minimum traffic collision risk. Similar driving rules are in force in every state; therefore, motorists may be extended appropriate courtesy warnings only under the following guidelines:

1. Officers shall:
 - a. Issue warnings for violations of the law that are primarily the result of confusion or lack of knowledge of the City, providing such violations do not immediately endanger others.
 - b. Issue a warning for violations of City ordinances that are not clearly posted.
2. Traffic warnings shall NOT be used for:

- a. Equipment violations that must be signed off;
- b. Parking violations; or,
- c. Driver's license or registration violations.

In general, warnings are an appropriate tool to educate the public on proper interpretation of California traffic laws or confusing road conditions. The subject should sign traffic warnings.

3. At the end of shift, officers shall submit all traffic warnings for processing by Records Division.

B. Notify Warrant

A Notify Warrant may be requested when the investigating officer at a collision scene did not observe the violation or an immediate arrest is not feasible or legal but the violation is such that prosecution is warranted.

1. Infractions - the Adult Notify Warrant Procedure for infractions has been suspended indefinitely.
2. Misdemeanors - the Arrest Report (ARJIS-8) will be used in requesting Notify Warrants. Officers should refer to the Traffic Collision Report Guide in the Collision Manual for the specific reports required under specific situations. Officers will submit a DUI Supplemental with the Notify Warrant when requesting DUI charges.
3. When prosecution of an infraction is requested against a juvenile driver, a citation is also required for the Juvenile Traffic Court. The juvenile should not sign it, nor should an appearance date be set. The citation shall be attached and routed with the collision reports. A Juvenile Contact Report (ARJIS-8) and Supplemental Report (PD-346) will be required when the violation involves driving under the influence of alcohol and/or drugs. These reports serve in lieu of a juvenile citation.
4. All Notify Warrants for Hit and Run (20002(a) CVC) require a collision report be completed and attached to the Notify Warrant request.
5. Officers shall make certain all elements of the crime(s) are included in the reports. Notify Warrant requests will be forwarded to the City Attorney's Office (for crimes other than in Southern Division or the South Bay area of San Diego County, which would be referred to the South Bay District Attorney's Office), for prosecution consideration.

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C. Physical Arrest

1. Officers shall make a physical arrest of any person in violation of a felony or driving while under the influence of intoxicants, unless that person has medical conditions or is injured to the extent that it would require hospitalization and/or medical treatment costs which would be levied against the City. In such instances, incarceration may not be in the best interests of the Department.
2. There may be incidents involving hospitalization and/or medical treatment when a suspect should be physically arrested. The decision to make a physical arrest must be based upon the seriousness of the crime(s) committed, duration and extent of medical treatment, requirements for a guard, and likelihood of flight to avoid prosecution.
3. The Field Lieutenant or Watch Commander will make the final decision on the appropriateness of a physical arrest.
4. When a decision has been made NOT to physically arrest a suspect for felony charges, the investigating officer will complete and submit a Warrant of Arrest detailing the probable cause for the chargeable offenses.
5. When a decision has been made NOT to physically arrest a suspect for a misdemeanor DUI charge, the following procedures will be followed:
 - a. If the suspect is willing and capable of signing a Notice to Appear citation, a PD-177 can be issued for the DUI charge along with any additional misdemeanors. However, if ANY injury (including complaints of pain, unconsciousness, cuts and bruises) was sustained by another party or passengers in the collision, a Traffic Division Collision Investigation Bureau (C.I.B.) supervisor must verbally approve the citation due to the possibility of felony charges being issued.
 - b. If a citation is issued, cite for the appropriate subsection of 23152 VC and 23154(a), DUI Probation (if applicable). The District/City Attorney will add 23152(b) VC to the complaint, if applicable. Check the "Traffic" and "Misdemeanor" boxes at the top of the citation. All such matters will be set for appearance in the Misdemeanor Arraignment Department at 12:30 p.m. (for arrests north of State Highway 54) or South Bay Court at 8:00 a.m. (for arrests south of State Highway 54).
 - c. When the suspect is unable or unwilling to sign a citation (i.e. unconscious, incapacitated) or if authorization from a Traffic

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C.I.B. supervisor has not been obtained, a Notify Warrant will be requested per Section IV. B. above.

- d. When a citation is issued or a Notify Warrant Requested, officers will complete the appropriate DMV DS-367 form (Officer's Statement) and issue the Suspension/Revocation Order (pink copy of the form) to the suspect driver.
6. When completing a Warrant of Arrest, a Notify Warrant or issuing a PD-177, the time of arrest will be the time at which probable cause for an arrest was established. Probable cause for the arrest should precede any voluntary or forced blood draw pursuant to a search warrant.
 7. Officers will submit complete reports for DUI arrests, which include the following:
 - a. Arrest Report (ARJIS-8) or Notice to Appear (PD-177)
 - b. DUI Supplemental (PD-346) as required
 - c. Appropriate DMV-367 form (Officer's Statement, i.e. Admin Per Se)
 - d. ARJIS-9 with the officer's report narrative (if approval to cite suspect was given per Section IV C 5 (a) above, include the name and identification number of that supervisor in narrative)
 - e. Intoxilyzer result printout(s), if applicable and or a blood draw receipt
 - f. Vehicle Impound report (ARJIS-11), if applicable

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V. ZERO-TOLERANCE AND DUI PROBATION VIOLATIONS

A. Enforcement of Vehicle Code Section 23140(a)

1. Section 23140(a) VC states that it is unlawful for a person under the age of 21 years old, who has 0.05% or more of alcohol in his or her blood system, to drive a vehicle. A blood level at or above 0.08% is a violation of 23152(a) CVC.
2. Officers MAY arrest any driver under the age of twenty-one who has a BAC of .05 or higher. Suspects must submit to a blood or breath test in compliance with the implied consent law. (Refer to Department Procedure 7.03 for more information regarding implied consent, refusals, and search

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warrants.) If either a blood or breath test is not available, the person shall submit to the remaining test. If both the blood and breath tests are unavailable, the person shall consent to a urine test. If the BAC of the person is between a .05 and .07, and they do not show any impairment, officers shall issue a Notice to Appear (PD-177) charging 23140 (a) VC, an infraction, prior to release. Suspects will be cited into Misdemeanor Arraignment Department with a 12:30 p.m. appearance time (for arrests north of State Highway 54) or South Bay Court at 8:00 a.m. (for arrests south of State Highway 54).

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3. Officers must document the reason for the stop in the “Charges” box of the Notice to Appear when no other violations are listed and must circle the “I” to the right of the charge. A properly administered Preliminary Alcohol Screening (PAS) test is sufficient when a citation is issued.
4. Officers are still required to fill out the DMV Zero Tolerance form (DS-367M). A copy of the citation must be attached to the form prior to mailing to the DMV.

B. Enforcement of Vehicle Code Section 23136(a)

1. California Vehicle Code Section 23136 (a) makes it “unlawful” (an infraction) for persons under 21 years of age to drive a motor vehicle with a blood alcohol level of .01% to .049%.
2. All persons under the age of 21 operating a motor vehicle must submit to the administration of the field breath test or have their driving privileges suspended for a period of one year. Those minors not old enough to possess a license will have their driving privileges delayed for one year upon reaching the age of 16.
3. The minor suspect cannot be transported from the evaluation scene for testing, so the level of alcohol must be established by use of a PAS device or an Intoxilyzer installed in the trunk of a patrol car. Blood or urine samples may not be taken to support a charge of 23136 CVC. The PAS device must be “reasonably” available to the evaluating officer. The suspected violator may not be delayed longer than the time it would take to complete a normal traffic contact. The PAS equipped officer will advise their estimated time of arrival and the evaluating officer will determine if the motorist is to be detained.
4. Prior to administering a PAS test, pursuant to VC 23136(c)(3), the person suspected of violating section 23136(a) VC should be informed that his or her failure to submit to, or the failure to complete, a PAS test or other chemical test as requested will result in suspension or revocation of the

person's privilege to operate a motor vehicle for a period of one to three years.

5. If there are NO indications of impairment, officers will conduct a PAS test using an Alco-Sensor and do the following:
 - a. If the result is .01 to .04:
 - (1) Issue a citation for 23136(a) VC – minor driving with BAC over .01%, an infraction, and set appearance for San Diego Traffic Court in Kearny Mesa;
 - (2) Complete an Officer's Statement form (DS-367M) and Admin Per Se Suspension/Revocation order;
 - (3) Seize the California driver's license and attach it to form DS-367M; and,
 - (4) Officers may impound the vehicle per 22651(h)(2) VC.
 - b. If the result is .05 to .07, officers will complete Step a. above, "(2)" through "(4)" and issue a citation for 23140(a) VC – minor with BAC over .05%. This section will be written as an "Infraction Only" and the violator will be cited into Misdemeanor Arraignment Department with a 12:30 p.m. appearance time (for arrests north of State Highway 54) or South Bay Court at 8:00 a.m. (for arrests south of State Highway 54).

C. Enforcement of Vehicle Code section 23154(a)

1. California Vehicle Code section 23154(a) makes it unlawful for a person who is on probation for DUI to operate a vehicle with a B.A.C. of .01% or more. This section is an infraction. Officers may cite for the violation or make a physical arrest and book for 1203.2(a) PC per 23154(a) VC. This section supersedes 166 PC for violations of DUI probation and should be the only charge used when enforcing a violation of DUI probation (do not include 166 PC with 23154 VC citations).
2. If an officer believes a driver is in violation of DUI probation and there are NO indications of impairment, officers will conduct a PAS test using an Alco-Sensor and do the following:
 - a. If the result is .01 to .07:
 - (1) Issue a citation for 23154(a) VC – violation of DUI probation with BAC over .01%, an infraction, and set

appearance for San Diego Traffic Court in Kearny Mesa or South Bay Court at 8:00 a.m. for arrests south of State Highway 54; or, make a physical arrest for 1203.2(a) PC per 23154(a) VC and complete the San Diego County Regional Probation Violation declaration form to be submitted with the jail booking slip.

- (2) Complete an Officer's Statement form (DS-367) and issue the Suspension/Revocation Order to the driver.
- (3) Seize the California driver's license and attach it to the DS-367.
- (4) Officers may impound the vehicle per 22651(h)(2) VC.

b. If the result is .08 or higher:

- (1) Process as a DUI per 23152(a) VC.

D. Refer to the Traffic Collision Report Manual for detailed instructions on completing the forms and reports mentioned in this procedure.

VI. ASSEMBLY BILL 953

Assembly Bill 953 (AB 953), also known as the Racial and Identity Profiling Act (RIPA) of 2015, requires law enforcement agencies to collect data on all stops, detentions, and searches. This includes consensual searches and instances where force was utilized. In order to capture this data, a new application will be available for every event generated through the Department's MPS and Intranet systems beginning July 1, 2018. There will be a template to collect the required data in the F: Drive under Templates/Patrol Based Forms/PD-953, if the database application is temporarily unavailable. The data documented on this form shall be entered into the electronic application prior to the end of officer's shift unless exigent circumstances exist.

Under this mandate, the data collected will include the date, time, and duration of the stop, the location, perceived race or ethnicity, perceived gender, perceived LGBT, perceived or known disability, English fluency, perceived age, and the reason for the stop, detention, or search. The reason for the stop may be generated from a call for service, a traffic violation, reasonable suspicion or knowledge that the person was engaged, or about to engage in criminal activity and conclude with the actions taken by the officer. These actions will describe the basis of the search, whether or not contraband or other evidence is discovered, the reason for and type of property seized and the results of the stop or detention. The data collected under RIPA replaces the data previously collected from vehicle stop data cards.

VII. FREEWAY JURISDICTION

A. The California Highway Patrol (CHP) has the primary responsibility to patrol all freeways including connecting ramps.

B. Assistance Procedure

In the event a San Diego Police Department officer arrives on the scene of a traffic collision before a CHP officer, he or she will call for all necessary services and provide assistance as may be necessary.

C. Boundary Lines on Freeway Ramps at Surface Streets

The boundary lines dividing jurisdiction on freeway ramps will be the prolongation of the curb lines of City streets. The CHP will be responsible for the investigation of collisions occurring on the freeway side of the curb line. The San Diego Police Department will be responsible for the investigations of collisions occurring on the City side. **THE POINT OF IMPACT WILL BE USED TO DETERMINE THE COLLISION LOCATION FOR JURISDICTION PURPOSES.** If jurisdiction cannot be determined at the scene, the reports should be taken and forwarded to the Traffic Division for resolution.

D. Arrests

1. When a San Diego Police officer arrests a person on a freeway, for any charge, he or she will follow the same arrest procedures as used in any other area of the City.

2. In narcotics cases, the following applies:

a. The San Diego Police Department is NOT obligated to handle a narcotics case initiated by the CHP, but will assist if unit availability permits.

b. When patrol officers are not able to respond in a timely fashion, the CHP will be notified via Communications Division and the case will be declined.

c. Narcotic cases should be accepted when substantial impact on narcotics enforcement can be accomplished immediately, or as a result of a follow-up investigation.

E. Persons with Mental Disorders on Freeways

The San Diego Police Department will assist the CHP in handling individuals with mental disorders or disabilities on the freeways within the City. If it is determined the person is in need of emergency detention, officers shall take custody as directed by Department Procedure 6.20, Mental Health Procedures.

F. Tow Cars

The CHP will have the responsibility for providing tow car service within its jurisdiction.

G. Traffic Violations on Freeways

Officers who observe traffic violations while traversing freeways may take appropriate action. However, San Diego Police Department personnel will not patrol the freeways for traffic enforcement purposes.