



Kern County Sheriff's Office
Policies and Procedures

TITLE: NOTICE TO APPEAR AND PARKING CITATION		NO: J-2600	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: December 17, 2004	REVIEWED: 06/22/2018	REVISED: 00/00/00	UPDATED: 02/27/2008

POLICY

The Kern County Sheriff's Office has adopted an official citation for use by authorized Sheriff's personnel. The citation fulfills all necessary legal requirements for Notices to Appear and is approved by the California Judicial Council. A procedure to account for citation use has been instituted.

The Sheriff's Office citation may be issued, when appropriate, for traffic violations, criminal violations, or for release of suspected offenders in lieu of bail. Citations will be issued to offenders by the Sheriff, Sheriff's Deputies, or such persons specifically authorized. The citation is the property of the Sheriff and subject to the rules of inspection. No other use is authorized. Violation of this policy will result in disciplinary action and may result in criminal prosecution.

Penal Code Section 853.6 and Vehicle Code Sections 40202 and 40500 make it a misdemeanor to alter, conceal, modify, nullify, or destroy the face side of any original or copy of a citation. Once a citation is prepared, signed by the violator, attached (unsigned) to a parked vehicle, and/or any copy is removed from the citation book no changes will be made except as provided by P.C. 853.6 or C.V.C. 40202, 40500.

DIRECTIVE 1

Sheriff's Office personnel shall not destroy, intervene or otherwise "fix" a citation for any reason. Official requests to set aside citations in the interest of justice must be made in writing accompanied by a case number. The request shall include the reasons for the recommendation and shall be filed with the court.

DIRECTIVE 2

WARNINGS: Sheriff's Office citations will not be used as written warnings. Verbal warnings will be given in place of written warnings.

DIRECTIVE 3

All citation books will be tracked via the citation database on Sheriffnet. The Lerdo warehouse will maintain a stock of new citation books for distribution. The database will track all citation books from their initial issuance from the Lerdo warehouse to their storage at the property room once depleted. This system will ensure accountability for periodic supervisory review and audit purposes.

PROCEDURE A – Procuring, receiving, storing, issuing, returning citation books.

Lerdo Warehouse: Upon receipt of new citation books, the warehouse staff will:

- Inventory the citation books and enter them into the database on Sheriffnet using the bar code system.
- Distribute citation books to individual work units as requested.
- Update the citation database with the distribution information.

Work units: Employees of the rank of Senior Deputy and above are authorized to issue new citation books to individual Sheriff’s Office employees. Division Commanders may authorize additional Sheriffs employees to access the citation database to order citation books, receive citation books for storage and issue citation books.

The unit supervisor or designee will:

- Order citation books in lots of 10.
- Update the database within 72 hours of receipt of the order.
- Ensure the unit’s unused supply of citation books remains in a secure location.
- Issue citation books to authorized personnel as needed. Authorized personnel may possess up to two of each type of citation book at any time.
- Update the citation database to reflect the citation book issuance.

DIRECTIVE A-1

Official Sheriff citation books will be issued to authorized employees as required by individual duty assignments. Those personnel shall be responsible for the care, custody, and control of assigned citations and are subject to inspection upon reasonable request. Citation books may be made available at designated units on an as needed basis.

DIRECTIVE A-2

The person to whom the citation book is assigned is responsible for accounting for all citations in the book. Missing citations will require a memo from the officer who is assigned the book. The memo will identify what is missing and what subsequent investigation was conducted to determine how or why the citations are missing. The memo shall be approved by the employee’s supervisor and stapled or otherwise permanently attached to the citation book.

Personnel assigned citation books will:

- Exercise care and control over citation books.

J-2600-2

EFFECTIVE: December 17, 2004	REVIEWED: 06/22/2018	REVISED: 00/00/00	UPDATED: 02/27/2008
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- Issue citations as necessary pursuant to state and federal law and this policy.
- Properly account for and document any voided or missing citations pursuant to this policy.
- Return depleted or no longer needed citation books to a supervisor.

Traffic Citations/Misdemeanor Citations (Not in Custody)

- Issuing person will complete the citation with as much information as available including physical description, detail of charges, and appropriate court appearance information.
- The issuing deputy’s badge number will be used in the serial number space at the bottom of the citation.
- Any officer notes will be made on the back of the Goldenrod (Records) copy.
- Obtain a thumbprint from a violator who cannot produce an operator’s license or satisfactory proof of identification.
- After the violator has signed the citation, he/she will be given the canary copy. The white, pink, and goldenrod copies along with any required reports will be sent to the unit’s report records section for distribution within the department and the County's Criminal Justice System.

In-Custody Citations

- When a person is taken into custody on a misdemeanor offense, a citation must be completed and attached to the report.
- In the space provided for the suspect to sign their name, print, “In Custody.”
- In these cases, submit all copies with the exception of the green copy of the citation with the report.
- Arrests for detoxification only, do not require an “In Custody” citation.

PROCEDURE B – DEPLETED CITATION BOOKS

When the citation book is depleted, the assigned person will:

- Ensure that any VOIDED or missing citations are accounted for pursuant to Procedure A and Procedure D of this chapter.
- Return the depleted book to the unit supervisor.

J-2600-3

EFFECTIVE: December 17, 2004	REVIEWED: 06/22/2018	REVISED: 00/00/00	UPDATED: 02/27/2008
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The receiving supervisor will:

- Review the book and ensure any VOIDED or missing citations are accounted for pursuant to this Procedure A and Procedure D of this chapter.
- Within 30 days, forward the depleted citation book along with any documentation attached, to the property room for storage.
- Update the citation database reflecting that the depleted citation book was forwarded to the property room for storage.

DIRECTIVE B-1

The property room is responsible for the storage of depleted citation books received from the individual work units. The property room will update the citation database to reflect they have received the depleted citation books. The depleted citation books will be stored until they are destroyed pursuant to a valid destruction order.

The Property Room staff will

- Receive the citation book.
- Update the database with the storage location of the book.
- Store the used book until receipt of a valid destruction order.
- Destroy books pursuant to a valid destruction order.

PROCEDURE C – NO LONGER NEEDED BOOKS

DIRECTIVE C-1

In the event a person no longer needs an assigned citation book, he/she shall return their assigned citation book to a supervisor.

The person returning the partial book will:

- Properly account for any VOIDED citations pursuant to Procedure A and Procedure D of this chapter.
- Return the partial book to a supervisor.

The receiving supervisor will:

- Review the citation book and ensure any citations voided by the issuing person are properly accounted for.
- Unused citations will not be reissued and will be voided by punching a hole in them.

J-2600-4

EFFECTIVE: December 17, 2004	REVIEWED: 06/22/2018	REVISED: 00/00/00	UPDATED: 02/27/2008
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- Within 30 days, forward the book and any attachments to the Property Room for storage.
- Update the database with the status of the citation book.

The Property Room staff will:

- Receive the citation book.
- Update the database with the storage location of the book.
- Store the used book until receipt of a valid destruction order.
- Destroy books pursuant to a valid destruction order.

PROCEDURE D - VOIDED CITATIONS

VOID: BEFORE SIGNED

When circumstances are such that it is necessary to VOID a citation before it is signed by the violator, the person issuing the citation will:

- Write VOID across the face of the white copy and leave all copies in the citation book.
- Voided citations will require a written explanation on the back of the green copy or a memo attached to the green copy if additional space is needed.
- The employee voiding the citation will date and sign the green copy and/or memo.
- The voided citation will be reviewed and approved by the employee’s supervisor.
- Supervisors will date and sign the voided citation attached to the citation book.

VOID: AFTER SIGNED BY VIOLATOR:

- It is illegal to alter a citation after it is signed (P.C. 853.6; C.V.C. 40202, 40500.) An arresting officer cannot legally change or void a citation after it is signed by the violator.

PROCEDURE E - DISMISSAL OR AMENDMENT OF CITATION

Amendment

If a citation is to be amended by adding or modifying any of the information on the citation including the charges, the issuing person or unit’s designee will:

- Complete or cause to be completed a Citation Amendment form identifying what information is to be amended.
- One copy of the Citation Amendment will go to the person named in the citation.

J-2600-5

EFFECTIVE: December 17, 2004	REVIEWED: 06/22/2018	REVISED: 00/00/00	UPDATED: 02/27/2008
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- One copy of the Citation Amendment will go to the court where the original citation was filed.

Dismissal

If a citation is to be dismissed or set aside in the interest of justice, the person seeking to have the citation set aside will:

- Forward to the Division Commander through the chain-of-command a written request stating the reasons for the dismissal.
- Upon approval of the dismissal the Division Commander may direct that a request be made to the Court for the dismissal

PROCEDURE E-PARKING CITATIONS:

DIRECTIVE E-1

Vehicles cited for parking violations of County Ordinances and/or the California Vehicle Code will be cited on the County of Kern Notice of Illegal Parking Citation Form.

- Parking citation books will be maintained and issued using the same procedure as the Sheriffs Official Citation Book Procedure.
- Individual Parking Citation books may be ordered from the Lerdo warehouse due to the limited number needed by work units.

PROCEDURE F – COPY DISTRIBUTION

The copy distribution for the Notice to Appear is as follows:

- WHITE.....Court Copy
- CANARY.....Violator Copy
- PINKCourt Discovery Copy
- GOLDENROD.....Sheriff's Records Division
- GREENREMAINS IN THE CITATION BOOK

This copy is not perforated and is designed to remain in the book.

The copy distribution for the Notice of Illegal Parking is as follows:

- WHITE.....Processing Agency Copy
- CANARY.....Violator Copy
- PINKIssuing Agency/Officer Copy
- GOLDENROD.....Issuing Agency/Officer Copy

J-2600-6

EFFECTIVE: December 17, 2004	REVIEWED: 06/22/2018	REVISED: 00/00/00	UPDATED: 02/27/2008
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PROCEDURE G – CITATION CONTINUATION FORM

- The Citation Continuation Form is to be completed when additional space is required to list all of the violations.
- The officer's name and violator's signature is required on both the original citation and the Citation Continuation Form.
- Copies of the Citation Continuation Form will be distributed in the same manner as the original citation form.

J-2600-7

EFFECTIVE: December 17, 2004	REVIEWED: 06/22/2018	REVISED: 00/00/00	UPDATED: 02/27/2008
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Kern County

SHERIFF

Interoffice Memorandum

NOTICE OF FEES

STORED VEHICLE FEES

ATTENTION VEHICLE OWNER:

Pursuant to Kern County Ordinance 4.32.040 and section 22850.5 of the California Vehicle Code, the Kern County Sheriffs Office may charge a fee equal to its administrative costs relating to the removal, impound, storage, and/or release of vehicles impounded by this department. Any administrative fees due, must be paid to the Sheriff **before** your vehicle can be released. Payment may be made by personal check, cashier's check or cash in US currency. Make all checks payable to the "**Kern County Sheriff.**" An additional \$14.00 fee will be charged for all returned checks. **Money orders and third party checks will not be accepted.**

- **Release without administrative hearing: \$100.00**
- **Release after an administrative hearing: \$165.00**

You may request an administrative hearing to determine the validity of the impoundment of your vehicle. If it is determined that your vehicle was towed in error, the Sheriff's Office will waive any fees due and release your vehicle to you or your agent.

- If you have **VERIFIABLE** proof that your vehicle was reported stolen **at the time that it was seized, you will not be charged an administrative fee to recover your vehicle.**
(CVC22850.5(a))
- Legal owners/lien holders will not be charged an administrative fee for the recovery of vehicles unless the lien holder or their agent requests a post-storage hearing.
(CVC22850.5(4))

If you have any questions in regards to the fees listed above and/or wish to request a post storage hearing, you may call the station responsible for storing your vehicle listed on the reverse side of **GREEN** or **YELLOW** form you received with this notice; or, you may complete the information below and return it by mail or in person to the Kern County Sheriff's Station responsible for storing your vehicle.

Please include a phone number where you may be reached if you return this form by mail.

Case Number: _____ Date: _____

My name is _____ I am the registered/legal owner of the vehicle seized in this case. I request a post-storage hearing to determine the validity of the impoundment of my vehicle.

Signed: _____ Phone Number: _____

Driver's License or ID Number: _____

Kern County Sheriff's Department Post Storage Hearing Report

CASE NUMBER	HEARING DATE	HEARING OFFICER (Please Print)	POST-STORAGE HEARING REQUESTED: <input type="checkbox"/> VERBALLY <input type="checkbox"/> IN WRITING	
FULL NAME OF CLAIMANT		DRIVER'S LICENSE OR I.D. NUMBER	<input type="checkbox"/> REGISTERED OWNER <input type="checkbox"/> LEGAL OWNER	
VEHICLE LICENSE NUMBER	STATE	YEAR	MAKE	MODEL

FINDINGS:

Impoundment of vehicle determined to be valid and vehicle ordered held for 30 (thirty) days.

Impoundment of vehicle determined to be valid but vehicle may be released prior to expiration of the 30 (thirty) day hold.

Impoundment determined to be not valid and vehicle is to be immediately released.

HEARING OFFICER REMARKS:

SIGNATURE OF HEARING OFFICER	DEPARTMENT ID	TODAY'S DATE
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AUTHORIZED RELEASE DATE:	TOTAL FEES DUE: <input type="checkbox"/> \$100.00 <input type="checkbox"/> \$165.00 <input type="checkbox"/> WAIVED
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