

## FG Supplemental – Writing Citations

In this section, you will learn how and when to complete and issue citations/notices of infraction. You will apply your skills to writing infractions both in this session and during your practical exercises.

The legislature had a specific intent when creating Chapter 46 on traffic infractions. Take out and read RCW 46.63.010.

Traffic infractions exist with strict liability – or liability without fault - no mental state is needed to prove a violation – it either happened or it did not.

**QTC:** Are there any traffic infractions that may have an exception, making it important to include the mental state of the driver?

**AR:** Negligent Driving Second Degree

### Criminal Traffic Violations vs. Notice of Traffic Infraction Issuance

RCW 46.63.020 differentiates between traffic offenses which require an issuance of an infraction and those that are criminal in nature. The RCW outlines 56 specific criminal offenses related to traffic.

Depending on the violation, these criminal offenses may result in physical arrest or a release on criminal citation, as well as applicable fines. These 56 exceptions are misdemeanors, gross misdemeanors, felonies.

**QTC:** What is the difference in penalties for a misdemeanor, gross misdemeanor or felony?

**AR:** M = max 90 days jail and/or \$1,000 fine  
G/M = max 1 year jail and/or \$5,000 fine  
Felony = Over 1 prison and various fines

Unless an offense falls under these 56 exceptions, the enforcement action taken for traffic offenses is described under RCW 46.63.030.

### Notice of Traffic Infraction Issuance

These infractions result in monetary penalties only (civil). They are further divided into traffic and non-traffic offences.

## FG Supplemental – Writing Citations

A law enforcement officer has the authority to issue a notice of traffic infraction:

- When the infraction is committed in the officers presence
- When the officer is acting upon the request of a law enforcement officer in whose presence the infraction was committed
- In a collision investigation, when the officer has reasonable cause to believe an infraction has been committed
- A court may issue a notice of infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed
- If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or local law, ordinance, regulation or resolution an officer may conspicuously affix to the vehicle an NOI/Notice of Infraction

### Completing Citation Forms

The manual and this class provide you with the instruction for the proper completion of the two types of uniform charging document used in the State of Washington: The Notice of Infraction (referred to as the NOI) and the Uniform Complaint/Citation and Notice to Appear (known as the Criminal Complaint/Citation Form).

#### **QTC: Compare and contrast the two documents?**

**AR:** NOI is used to cite defendants for traffic and non-traffic infractions. These are civil infractions and will have a monetary fine, but no jail sentence as a penalty.

The Criminal Complaint/Citation is used for misdemeanors and gross misdemeanors. These are criminal violations and may be penalized through jail time, criminal fines, or both. It performs two distinct functions: serving as a formal charging document and as a formal notice for the defendant to appear in court or post bail.

Both can be issued at the time of the offense or can be mailed at a later date with a summons to appear, however, the NOI is processed through the courts while the CCC is processed through the prosecutor's office.

The CCC can also be issued after booking.

## FG Supplemental – Writing Citations

**QTC: Explain the design of the forms. How are they similar? Different?**

**AR:** These two forms, with modifications, have been used since 1994. The face sheet or front side of both forms use the same format and most of the data elements; however the CCC form can be identified by a black strip on the right side of the form, and language on the top that reads:

“CRIMINAL TRAFFIC NON-TRAFFIC”

Each form has four copies (carbonless)

- First page is the court copy, reverse side is for the officer's report
- Second page is the Department of Licensing Copy
- Third page is the defendants copy, NOI is green and Criminal is goldenrod
- Fourth page is the Law Enforcement agency's copy, reverse side is for a copy of the officers report
- The number of offenses you can write per citation
- Tracking reference starts with a different letter (C/I)
- DV box on CCC
- Others possible...

**Important Point:** Make sure the recruits have noted and *understand* the following directions (also found on page 2).

*The reverse sides of the first and fourth pages are identical. If you position the reverse side of the first page so that it covers the reverse side of the fourth page and insert a piece of carbon paper between the two pages, you can record your report on the court's copy while making a copy for your own records.*

Take 10-minutes to review the General Instructions (page 5) and the Specific Instructions on pages 6-14.

**QTC: When issuing a citation, what important information would we be sure to advise the driver?**

**AR:** Always tell the defendant to read the back of his/her copy of the citation! Make sure they are cognizant of the court they are responding to, the time limits for response and the possible sanctions connected to the infraction.

## FG Supplemental – Writing Citations

**QTC: Why is this important?**

**AR:** While doing so is not a legal obligation, it is a public service and accepted practice. And, often municipal and district courts do include this as a requirement before they will issue a warrant for an FTA. Doing so assists both the violator and the criminal justice system when the violator is aware of the actions that are required of them. They can not argue in court that they 'did not know' what was expected of them. And, when the defendant appears in court as instructed, a warrant does not have to be issued.

### Ethical Considerations

**QTC: Are there any ethical considerations when writing NOI and CCC? What are they? Give examples.**

**AR:**

- When you write your officer reports/notes: stick to the facts of the violation. Don't voice your opinion on the violations. (Example: as presented)
- Enforce the law fairly and equally to all. Across the board, people should be treated the same way. Be aware of your biases when exercising your discretion. (Example: as presented)
- If you are unsure a violation actually occurred after stopping the violator, or if you believe you may have stopped the wrong vehicle, explain the circumstances and let them go. (Example: as presented)

You now can discern between NOI and CCC forms and have written a traffic infraction. These are skills you will be using frequently in your positions.

### Precautions

**QTC: What precautions/considerations do you think you should make when writing the citation?**

## FG Supplemental – Writing Citations

### AR:

- Keep your head up, look over top of steering wheel at violator – hold the driver’s license up so you can see both the license and the violator
- Drivers check - you will need both the *full* name and date of birth; for out-of-state checks in some states you will need the Operator’s License Number (OLN)
- Citation Book resting on steering wheel
- Always keep the violator in your peripheral vision - at least every 10 seconds, look up at the violator
- Consider the option of not sitting in your vehicle, or not sitting in the driver’s seat

## Closing the Contact

Presenting the Citation is also part of the Contact Model. It has three components:

- Requesting additional info if needed (if needed)
- Explaining the violation(s)
- Closing Statement

**NTF:** Ask the recruits to suggest closing statements other than those on the model handout. What sounds natural to them? Are their specific merging directions you can provide?

**QTC:** **When returning to your car, before or after writing the citation, what precautions do you think are appropriate?**

**AR:** Continue to watch your violator, as they can still be a threat

**QTC:** **When would you advise radio that you are clear traffic?**

**AR:** Not until the violator has left (reentered traffic)