16-01 - Citation Signature Refusals

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411

CITATION SIGNATURE REFUSALS

Law enforcement issue citations on a daily basis. There are times when the person receiving the citation refuses to sign the citation or requests an immediate appearance before a magistrate. Per California Vehicle Code 40302(b), any person who refuses to sign a citation is refusing to give their written promise to appear in court. Listed below are the appropriate steps to follow in the event you have a person refusing to give a written promise (signature) to appear in court.

***Scenario*:** A deputy conducts a traffic stop for a California Vehicle Code (CVC) violation. The citation is written with an exact court address, court date, and time indicated on the citation. The driver refuses to sign the citation, in essence refusing to give a written promise to appear in court. As a deputy, what do you do?

Explain to the driver that signing the citation is not an admission of guilt, only a promise to appear in court. Direct the driver's attention to the statement over the signature, which reads: "Without admitting guilt, I promise to appear at the time and place designated below."

If the driver still refuses to sign the citation and it appears a physical arrest may be necessary, contact a field supervisor and have them respond to the scene of the traffic stop to intervene. If the driver still refuses to sign the citation, the supervisor should document the refusal on video and/or audio.

Once you have the refusal documented on video and/or audio, arrest the person per 40302(b) CVC. Include the initial violation they were cited for on the citation. It is the choice of the driver if they want the vehicle left parked legally at the site of the traffic stop or stored at a tow yard. If the driver chooses to have the vehicle stored, storage authority 22651(h) (1) CVC should be used.

NOTE: Be aware that unlicensed/suspended drivers (12500 CVC/14601(a) CVC) may create special circumstances regarding the disposition of his/her vehicle. This should be at the discretion of the deputy as to how the vehicle is handled.

If the arrest takes place during court business hours, the driver should be taken without unnecessary delay before a magistrate, per 40302(c) CVC. At the courthouse, escort the detainee through the front doors of the courthouse, as they are not a custodial body at this time and should not be in the lock-up. Ask a Court Services deputy to assist you

with finding an open court and a judge willing to see the driver. The presiding judge will either hear the case or set a future court date for the driver to appear. If a future court date is set, the driver will be released on their "own recognizance" with a warning that they must appear on that date or a bench warrant will be issued. No signature is required since the judge issued an order on public record. An Incident Report (SH-R-49) must be written to document the arrest. The classification line on the SH-R-49 will list the initial reason for the traffic stop (e.g., unsafe speed 22350 CVC) as well as the words/annotation "Custodial Arrest Pursuant to 40302(b) CVC." The refusal video and/or audio should be entered into evidence under the assigned file number.

Consider calling ahead to the Sheriff's Office at the court of jurisdiction and give them advance warning, to possibly expedite the process.

If a magistrate is not available, the driver will go to the court clerk to set bail, or be booked at the station per 40307 CVC.

If at any time during the course of transportation to the court or jail the driver reconsiders and requests to sign the citation, the driver shall be permitted to do so.

***Exception*:**

Per Manual of Policy and Procedures section 5-09/270.30, stopping a diplomat or consular officer for a traffic violation and issuing a traffic citation does not constitute an arrest or detention and is permissible. When a consular officer is stopped for a traffic violation, he/she will generally advise the deputy of their privileged status. The deputy shall determine the adequacy of the driver's credentials. Generally, it is the policy of the Department not to issue a citation; however, in those instances in which the driving of the official is so extreme

and so aggravated as to clearly endanger others, a field supervisor shall be summoned to the scene. With the concurrence of the supervisor, a citation may be issued.

If the diplomat or consular officer chooses not to sign and/or refuses to accept the citation, he/she shall be permitted to depart from the scene. A memo detailing the incident and a copy of the unsigned citation shall be directed to the International Liaison Unit on the next business day following the incident. The citation will be processed by the station/unit in the customary manner, whether it is signed or not.

Immediately notify the International Liaison Unit (via Sheriff's Information Bureau at

(213) 229-1700) in the event a citation is issued.

Information regarding the content of this newsletter may be directed to Field Operations Support Services.

References:

Manual of Policy and Procedures (MPP) Sections:

MPP Section 4-07/017.00, Diplomatic and Consular Officials

http://intranet.lasd.sheriff.sdn/intranet/mpp/vol4/4-07/4-07-017.00.htm

MPP Section 5-09/270.30, Procedure for Handling Selected Incidents

http://intranet.lasd.sheriff.sdn/intranet/mpp/vol5/5-09/5-09-270.30.htm

Field Operations Support Services Newsletter:

Newsletter 12-08, Diplomatic and Consular Immunity Guide

http://intranet/intranet/sites/Rmb/FOSS/newsletters/2012/nl_12_08.pdf