



Roll Call Training Bulletin

Produced by: Sgt Matt Armstrong
Prepared by: Mark Scurria

Daniel Hahn, Chief of Police
Volume 54

December 20th, 2017

FAILURE TO SIGN A CITE

BACKGROUND

Recently one of our motor officers conducted a traffic stop on an individual. During the stop the driver became extremely belligerent and refused to sign her citation. She was eventually arrested for failing to sign the cite (per 40302 VC). As officers attempted to take the female into custody, she resisted arrest which led to a 148(a) PC charge as well. The incident was captured on the officer's BWC.

ISSUE

There has been a long-standing belief that when a driver refuses to sign a citation for a traffic violation, the officer is required by law to bring that person before a judge (40302 VC). This however is not accurate.

CONCLUSION

After conferring with the courts, it was determined that the Carol Miller Justice Center will prosecute violators that refuse to sign citations. The court recognizes that even though the driver refuses to sign the cite, they have been properly served by the officer at the time of the stop and are mandated to appear.

HOW DOES THIS AFFECT SPD?

The increased number of individuals willing to challenge and even bait officers into confrontational "contempt of cop" situations makes checking the refusal to sign box and handing them their copy (or placing on their window) a very viable and often preferable option over a physical arrest. These types of arrests often lead to resistance, use of force, injury, and high visibility and exposure, which only subjects our officers to potential and preventable injuries and liability.

There are some situations where an arrest may be warranted, and officers should always have the discretion to make that determination. But with this new information our hope is that many more similar situations are not escalated into arrest, but rather de-escalated into a citation with the "refused to sign" noted. If you run into a situation where a violator refuses to sign, do your best to explain their violation and the court procedure (while recording with your body worn cameras) and feel free to note the "refusal to sign" on the citation and hand them their copy. If it is a situation where you plan to arrest them for the refusal to sign, please advise your Supervisor so they can respond.

The goal is to not become emotionally involved in the traffic stop or their argument. Traffic violators have a legal remedy to contest the traffic citation at Carol Miller and our officers getting involved in an argument with the violator is not a preferred way. We no longer must tell a violator, "Sign the cite or I'm taking you to jail." We can instead simply explain the citation and the court process if they are willing to listen. If they aren't willing to listen, hand them their copy and be on your way.

If you have further questions, contact Sgt. Matt Armstrong @ 808-3778