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Sheriff

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

Voiding Citations & Safety Equipment Repair Orders

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| Distribution: | All Personnel | Index: | OPS 0908 |
| Responsible Unit: | Traffic Unit | Rescinds: | N/A |
| DLI Program: | Pending | MD Code: | N/A |

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1. Purpose

To provide deputies guidance regarding administratively voiding citations and handling citations or Safety Equipment Repair Orders issued in error.

2. Policy

Deputies will follow the following procedures when voiding citations and Safety Equipment Repair Orders (SERO).

3. Definitions

CITATION: A written charging document issued by the police and ordering the defendant to appear before a judge to defend against the stated charge; in certain cases, the defendant may take other action (e.g., pre-payment of a fine) to avoid the need to appear in court; the defendant is required to sign a citation to acknowledge receipt.

SAFETY EQUIPMENT REPAIR ORDER (SERO): A document issued to the operator of a vehicle that is observed to be defective or not functioning in accordance with Maryland laws and regulations. The SERO requires the vehicle owner to have the problems cited on the SERO repaired within 10 days and a certification of the repair be submitted within 30 days to the Maryland State Police Automotive Safety Enforcement Division.

SUMMONS: In this directive, summons includes the term citation unless specified otherwise; a defendant is not required to sign a summons.

4. Procedures

A. Citations Eligible for Administrative Voidance

1. Only handwritten citations that have not been issued may be administratively voided.
2. Any citation issued to a violator must follow the usual adjudication procedures in court.
3. Citations may be administratively voided by the Chief Deputy when:
 - a. an error is made while writing a citation;
 - b. copies of an unused citation have been lost or stolen; or
 - c. copies have become damaged to the extent that they are not suitable for usage.

4. Deputies will submit the following to his immediate supervisor:
 - a. all copies of the citation; and
 - b. a memorandum outlining the circumstances necessitating voidance of the citation.
5. Supervisors will:
 - a. ensure the citation meets the criteria for voidance; and
 - b. promptly forward the copies to the unit commander.
6. Commanders will:
 - a. ensure the citation meets the criteria for voidance; and
 - b. promptly forward the copies to the bureau chief.
7. Bureau Chief's will:
 - a. ensure the citation meets the criteria for voidance; and
 - b. promptly forward the copies to the Chief Deputy.
8. Chief Deputy will:
 - a. ensure the citation meets the criteria for voidance;
 - b. write the void date in the violation date block;
 - c. write "VOID" in large print across the front of the citation;
 - d. forward the following to the District Court:
 - (i) COPY #1 and COPY #4, or photocopies if lost or stolen;
 - (ii) a brief explanation of the circumstances.
 - e. forward the following to Records:
 - (i) all other copies of the citation; and
 - (ii) a brief explanation of the circumstance.

B. Lost or Stolen Citations

1. In the event that all copies of a citation or an entire book is lost or stolen, the employee will complete a Field Based Reporting (FBR) Incident Report, as well as a Missing/Damaged Equipment Tracking Report (SO137), in accordance with policy.
2. All appropriate reports will be forwarded to the deputy's bureau chief, by way of endorsement from the chain of command, who will review the report and forward it to Records.

3. Upon receipt of the report, Records will notify the State Motor Vehicle Administration and make any appropriate entries into NCIC.

C. Traffic Citations Issued in Error

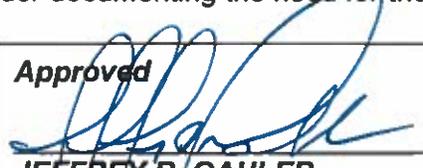
1. Once issued to a violator or submitted electronically through E-TIX, a summons may only be voided in court.
2. If a summons must be voided due to an error, the deputy must request a disposition of *nolle prosequi* prior to the defendant's legal requirement to respond to the summons.
3. Timelines must be strictly followed when requesting voidance of a summons issued in error.
4. Deputies will immediately:
 - a. notify the duty officer (DO), via email, if a summons issued needs to be voided; and
 - b. include an explanation of the circumstances in the email along with a copy of the summons.
5. The DO, within 24 hours of receiving the request will:
 - a. review the circumstances of the case; and
 - b. forward his findings and recommendation to the Chief Deputy by way of the chain of command.
6. The Chief Deputy, within 24 hours of receiving the request, will:
 - a. review the circumstances of the case and make a finding; and
 - b. forward his recommendation to the Traffic Unit.
7. The Traffic Unit, within 24 hours of receiving the recommendation from the Chief Deputy, will:
 - a. submit a written request for a disposition of *nolle prosequi* to the State's Attorney when appropriate and request return notification regarding the final disposition of the summons; and
 - b. upon receiving written notification that a disposition of *nolle prosequi* has been entered, submit a WebHelpDesk ticket requesting the data be removed from E- TIX; and
 - c. attach all supporting documentation to the WebHelpDesk ticket.

D. SERO's Issued in Error

1. Once a SERO is issued to a violator or submitted electronically through E-TIX, the SERO may only be voided through the Maryland State Police Automotive Safety Enforcement Division (ASED).
2. If a SERO must be voided due to an error, voiding of the SERO must occur within 10 days of issuance.
3. A deputy will, within 24 hours of issuance:

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- a. submit a request through email to the DO outlining the circumstances surrounding the issuance; and
 - b. attach a copy of the SERO to the email.
4. The DO, within 24 hours of receiving the request, will:
- a. review the request; and
 - b. forward the request to their commander for final review.
5. Commanders, within 24 hours of receiving the request, will:
- a. review the request; and
 - b. if it meets criteria for voidance, forward the request via email to Automotive Safety Enforcement Division (ASED) at msp.ased@maryland.gov.
- E. Maryland State Police ASED will, per procedures:
1. review the request and if applicable, void the SERO; and
 2. IF REQUESTED BY THE VIOLATOR, submit a request to Maryland State Police (MSP) Information Technology Division (ITD) via a WebHelpDesk ticket to have the violator information removed from Delta+.
- F. Removal of Data from Delta+
1. MSP ITD will remove all data from Delta+ for electronic citations for which a disposition of nolle prosequi was entered due to an error and all SEROs that were administratively voided due to error AT THE REQUEST OF THE VIOLATOR.
 2. Expungement requests received from the State's Attorney will be submitted via a WebHelpDesk ticket by the receiving commander to MSP ITD.
 3. Upon receiving a WebHelpDesk ticket and all supporting documentation, MSP ITD will remove all related data from Delta+.
- G. If the respective deputy's division commander determines the error to be negligent, a Guardian entry will be completed by the respective deputy's division commander documenting the need for the voidance (not expungement) of any document.

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| <p>Approved</p>  <hr/> <p>JEFFREY R. GAHLER SHERIFF</p> <p>DATE <u>12/21/17</u></p> |
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