

SANTA ANA POLICE DEPARTMENT

DAVID VALENTIN · CHIEF OF POLICE

TRAINING BULLETIN

"Education promotes professional and responsive law enforcement"

Administrative Citations

Purpose

The purpose of this Training Bulletin is to familiarize personnel with the procedural guidelines regarding administrative citations including when they may be utilized and the necessary reporting requirements.

Introduction

The Santa Ana Municipal Code allows for several alternative methods of enforcing violations of city ordinances; including arrest or issuing a criminal or an administrative citation. The administrative citation allows officers another method to enforce Municipal Code Violations. For the past several years, Animal Services and Code Enforcement personnel have been using administrative citations for enforcement purposes.

Background

The administrative citation differs from a traditional criminal citation in that it results in an automatic fine with no right to a criminal court appearance. In these cases, only the civil collection process is available for those who disregard the citation. Criminal warrants are not issued with an administrative citation. The right of appeal for those issued an administrative citation is limited and requires posting the fine prior to any hearing. Police personnel may use the administrative citation for most municipal code violations where they believe it is more appropriate than an arrest or criminal citation. The use of the administrative citation is another option to gain compliance and discourage additional violations. The method chosen to achieve this goal is within the officers' discretion. Additional information on the administrative citation process may be found in SAMC sections 1-21 through 1-21.9.

Issuance of an administrative citation does not subject the individual being cited to the judicial process, but, rather imposes a fine as a civil penalty for violating a city municipal code. Because the fine itself is the only sanction imposed upon the individual receiving the administrative citation, in cases where an individual does not have the apparent means to pay the fine, a criminal citation may be more suitable.

I. Juveniles

Juveniles can be issued administrative citations in the same fashion as adults. An **information** report must document **ALL** juvenile administrative citations. Juveniles are to be documented as contacts within the report. In such cases, a bill will be issued by the city and sent to juvenile's home address, stating "To the parents of_____." If the parent or guardian lives at a different address than the juvenile, the officer shall ensure that this address is clearly denoted in the report.

II. Examples

The following are examples of Municipal Code violations that can be issued on an Administrative Citation:

1. 10-33 Drinking in public or in an automobile
2. 10-34 Urinating in public view
3. 10-96 Loitering, obstructing passage
4. 10-153 Loud/raucous noise from a sound making/amplifying device
5. 10-178 Public access to aerosol containers and large pens offered for sale in a retail store
6. 5-14(a) Leash law (dogs)
7. SAMC 5-52 Unlicensed dog
8. SAMC 10-183(a) Curfew Violation
9. SAMC 31.2.9 After hours in the Park
10. SAMC 10-53 Illegal Fireworks
11. Permit section violations for alarms, dancing, pool tables, and business licenses

III. Fines

A fine of \$100 will be imposed on first time recipients of an administrative citation, followed by a \$200 fine for a second violation, and a \$500 fine for each subsequent violation committed during a period of twelve (12) consecutive months.

IV. Completing the Administrative Citation

A case number is not issued for an administrative citation; however, if extensive documentation is needed, an information report can be completed. If the citation is related to another incident you can include that case number on the citation. Comments must be noted on the citation describing the violation. An example of an administrative citation can be found in [ATTACHMENT A](#) of this Training Bulletin.

An administrative citation is not issued on a traditional citation form. Each administrative citation is made up of three sheets; white, yellow, and pink, and an envelope to mail payment. Upon completion of the citation the violator is given the top two (2) copies, white and yellow along with the envelope.

If a person refuses to sign the administrative citation, you have the following options:

1. Write “Refused” on the signature line and process the citation, *or*
2. Upgrade the process to a traditional criminal citation.

V. Subsequent Violations

If the violation occurred at a specific location such as an apartment or business where officers may return, log the activity in premise history. For any subsequent SAMC violations, you may issue an additional administrative citation, or, issue a traditional criminal citation, or, arrest where authorized and appropriate. The administrative citation fines are cumulative and citations may be issued each time the violation exists or occurs.

VI. Legal Requirements

As previously mentioned, a copy of the administrative citation is attached under [ATTACHMENT A](#) for review. The back of the “Violators Copy” of the citation lists the “Legal Requirements” information regarding the “Right to appeal,” “How to pay the fine,” and “Consequences for failing to pay the fine.” It’s important for officers to understand the administrative citation process so they may explain it to the violator after the citation has been issued.

VII. Completed Citations

Once an administrative citation has been issued, the original shall be submitted to the Station Supervisors Office for approval. The data from the citations will be entered into the city’s Lawson system and transmitted to the Finance Department at City Hall. The Station Supervisor will maintain a file for administrative citations. The Finance Department at City Hall will generate an invoice and send it to the violator requesting payment.

VIII. Challenging a Citation

Violators wishing to contest the citation will send one of the issued copies along with full payment to the address listed on the citation. A permanent Station Supervisor will arrange for an in-house hearing between an arbitrator, issuing officer and violator.

Summary

The Administrative Citation process is another method of enforcing Municipal Code violations for the purpose of gaining compliance and discouraging future violations. Officers should consider the circumstances surrounding each case, and weigh the advantages of issuing an administrative citation, versus a criminal citation, to ensure the most effective and appropriate course of action.

Acknowledgment: The original training bulletin was researched and prepared by Sergeant Javier Esparza.

Revised By: Corporal Jim Geist

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