

**And Justice For All?
Evaluating Impartiality and Procedural Fairness in the
Processing of Traffic Citations**

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By Albert De La Isla

Abstract

In order for the court to earn the public's trust and confidence, it must be viewed as impartial and fair in the execution of justice, free from bias and the appearance of bias in all parts of the judicial branch. However, are we truly impartial or do we provide "assistance" to our justice partners that we do not extend to the public? This essay evaluates the driving factors for procedural fairness and impartiality as well as explains how the Orange County Superior Court utilized a filter of "Procedural Fairness" to reengineer the processing of traffic citations that resulted in a significant resource savings.

Orange County Courts have been utilizing a "review and correction" process with traffic citations for many years, so why is it being questioned now? In 2009, the Orange County Superior Courts began a Business Process Review (BPR) of all operational areas. This review was necessary to identify cost saving measures and efficiencies that could be gained in order to meet serious budget shortfalls. The BPR teams were assigned to the review of all court processes to make sure that the court was focused on doing "the right things in the right way". Alan Carlson, Chief Executive Officer of the Orange County Superior Court, sent each team off with these parting words, "there is nothing more inefficient than doing something efficiently that doesn't have to be done at all."

The review process conducted by the court assists the prosecution in filing a charging document that is free from defect, maximizes the potential bail due and ensures proper reporting to DMV and DOJ. On the surface, it would seem that taking these steps is the appropriate thing to do. Ensuring that the defendant is charged the appropriate bail, based on various statutes and code sections, as well as ensuring that a conviction is placed accurately on the defendant's record seems appropriate, right?

When you view this process through the filter of procedural fairness and impartiality, the answer is not so clear. Would this process pass public scrutiny? Consider the public perspective, how would they feel if they were aware of this process? Would they feel that the court is achieving the goal of impartiality, procedural fairness and preventing bias and the appearance of bias? Or, would they see the court as an advocate to the prosecution? This is unclear. To further illustrate this point, let's look at it from the opposite perspective. What if the court conducted the review process listed above, but instead of notifying law enforcement of the defects in the filing, the court notified the defendant and provided them information on how to successfully contest the defective filing? What would the reaction from our justice partners be? Would our justice partners consider the courts fair and impartial? Would our justice partners feel that we are achieving the goal of preventing bias and the appearance of bias? Would they see the court as an advocate for the defense? This is unclear as well.

This journey into procedural fairness and using it as a lens for business process reengineering has worked very well for Orange County Superior Court regarding the processing of traffic citations with a salary savings of over \$360,000 per year. However, the research revealed mixed results about perceptions of the role and significance of

procedural fairness in business process reengineering. Yet, the hypothesis that the review of traffic citations blurs the lines of procedural fairness was partially validated. The research results permit the conclusion that procedural fairness is an additional tool in the court reengineering toolbox and that some process improvements can result from use of this metric. Recommendations based on that possibility include the need for additional guidance from the State on the proper role of the court in balancing assistance to justice system partners with the perception and fact of procedural fairness. Training of staff should follow so that staff understands how to look for and achieve fairness in service provision.

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Introduction

In order for the court to earn the public's trust and confidence, it must be viewed as impartial and fair in the execution of justice, free from bias and the appearance of bias in all parts of the judicial branch. However, are we truly impartial or do we provide "assistance" to our justice partners that we do not extend to the public? In this essay I will evaluate the driving factors for procedural fairness and impartiality as well as explain how the Orange County Superior Court utilized a filter of "Procedural Fairness" to reengineer the processing of traffic citations that resulted in a significant resource savings.

Driving Factors for Procedural Fairness and Impartiality

The Judicial Council is the policymaking body of the California courts. Under the leadership of the Chief Justice, the council is responsible for ensuring impartial and accessible administration of justice. The Administrative Office of the Courts is responsible for implementing council policies. The Judicial Council of California regularly reviews the environment of the courts and responds to the needs of the public by setting long-range strategic goals and initiatives to meet these goals.

On December 1, 2006, the Strategic Plan for California's Judicial Branch was adopted. This plan was created to provide a mission and direction for California's Judicial Branch. Included in the plan is a letter from the Chief Justice, Ronald M. George, and the Administrative Director, William C. Vickery. In this letter, they state the importance of being fair and gaining the trust and confidence of Californians (emphasis added):

California's judicial branch is committed to courts that are **fair** and accessible, as well as to services that are responsive to the needs of the public—services that inspire the **trust and confidence** of Californians from all walks of life. This latest strategic plan will continue to guide us toward our goal of excellence in the administration of justice. (Justice in Focus - The Strategic Plan for California's Judicial Branch, 2006)

Fairness, trust and confidence are further illustrated in the Strategic Goals and Policy Directions (Justice in Focus - The Strategic Plan for California's Judicial Branch, 2006), Goal I: Access, Fairness and Diversity which states (emphasis added):

GOAL I: ACCESS, FAIRNESS, AND DIVERSITY

Goal Statement (the goal for addressing branch challenges):

California's courts will treat everyone in a **fair and just** manner. All persons will have **equal access** to the courts and court proceedings and programs. Court **procedures** will be **fair** and understandable to court users. Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds. The makeup of California's judicial branch will reflect the diversity of the state's residents.

Additionally, the Recommended Policies #3 and #4 further illustrate that goal, they read as follows (emphasis added):

3. Work to prevent **bias, and the appearance of bias**, in all parts of the judicial branch.
4. Work to achieve **procedural fairness in all types of cases**.

Processing of Traffic Citations

Historically Orange County Courts have conducted an extensive traffic citation “review” process prior to accepting filings from law enforcement agencies. This review is done in an effort to ensure that appropriate pre and post disposition activities occur; such as accurate record checks, accurate traffic courtesy violation information notice mailer, financial distribution, reporting of convictions to the Department of Motor Vehicles (DMV) and Department of Justice (DOJ), etc. The following is an example of elements of the citation that are verified by staff and returned to the prosecuting or law enforcement agencies for correction or clarification prior to filing:

Complete name	California driver license
Correct violation section and description	Officer badge/name
Complete address	Violation date
Vehicle/posted speed	Commercial driver license
Date of birth	Date/time issued
Valid appearance date	Violation location
Owner’s responsibility	Declaration in Support of Arrest

If an error is identified, staff will conduct extensive research to identify the correction that is necessary. For example, if a violation listed on the citation is filed with an incorrect offense level or incorrect sub section, court staff will research code books to determine the correct charging violation. The citation will then be returned to law enforcement with a “suggested” correction to list the appropriate violation. If the citation is filed with an incorrect date of birth, driver license number or partial address, staff will conduct the necessary research to identify the correct information and either return it to

law enforcement for correction or make the change in the case management system when the citation is filed. All of this is done “in the interest of justice” to facilitate the filing of the citation with the court.

Business Process Review

Orange County Courts have been utilizing this review and correction process for many years, so why is it being questioned now? In 2009, the Orange County Superior Courts began a Business Process Review (BPR) of all operational areas. This review was necessary to identify cost saving measures and efficiencies that could be gained in order to meet serious budget shortfalls. The BPR teams were assigned to the review of all court processes to make sure that the court was focused on doing “the right things in the right way”. Alan Carlson, Chief Executive Officer of the Orange County Superior Court, sent each team off with these parting words, “there is nothing more inefficient than doing something efficiently that doesn’t have to be done at all.”

As part of the review, the team assigned to traffic processing observed staff completing the review process for all traffic citations filed by law enforcement. They documented the time spent to review the citation, the time spent to research correct information, the time spent to return the citation to law enforcement for correction and the time spent to review the citation again when law enforcement filed the corrected citation. It is estimated that the citation review process expends approximately 60 to 80 hours of staff time per week. Based on the high volume of citations filed each month, the process observed was not very efficient and was a prime candidate for re-engineering.

The team began to brainstorm ideas to expedite the review and the correction process with law enforcement. The first idea was to work with the law enforcement agencies to move the workload of reviewing the citation to law enforcement. As the filer of the charging document, they should be the agency to ensure the document being filed was free from defect. The team targeted law enforcement agencies with the highest error rates to educate them on the review process employed by the court and offered to provide training to law enforcement liaisons that are assigned to review the citation before filing it with the court. However, the team's efforts were met with great resistance. The budget shortfalls were affecting all governmental agencies, including law enforcement. Therefore, law enforcement did not have the resources to complete the review process and relied on the courts to advise them of errors in the filings. The team was back where it started, how could they make the process of reviewing citations more efficient? The answer was in the directive provided to all of the BPR teams; "there is nothing more inefficient than doing something efficiently that doesn't have to be done at all." Therefore, the team redirected their focus to a very important question; does the review and correction process need to be done at all? When looking at the issue through the lens of "procedural fairness", should the courts be required to complete the review and correction process? By conducting this review and correction process, is the court truly remaining impartial and fair to the public?

Question of Impartiality and Fairness

The review process conducted by the court assists the prosecution in filing a charging document that is free from defect, maximizes the potential bail due and ensures proper reporting to DMV and DOJ. On the surface, it would seem that taking

these steps is the appropriate thing to do. Ensuring that the defendant is charged the appropriate bail, based on various statutes and code sections, as well as ensuring that a conviction is placed accurately on the defendant's record seems appropriate, right?

When you view this process through the filter of procedural fairness and impartiality, the answer is not so clear. Would this process pass public scrutiny? Consider the public perspective, how would they feel if they were aware of this process? Would they feel that the court is achieving the goal of impartiality, procedural fairness and preventing bias and the appearance of bias? Or, would they see the court as an advocate to the prosecution? This is unclear. To further illustrate this point, let's look at it from the opposite perspective. What if the court conducted the review process listed above, but instead of notifying law enforcement of the defects in the filing, the court notified the defendant and provided them information on how to successfully contest the defective filing? What would the reaction from our justice partners be? Would our justice partners consider the courts fair and impartial? Would our justice partners feel that we are achieving the goal of preventing bias and the appearance of bias? Would they see the court as an advocate for the defense? This is unclear as well.

One of the most recognized legal symbols is the female figure representing Justice. Justice became associated with scales to represent equal justice, a sword to symbolize power and a blindfold as a symbol of impartiality. We need to apply the symbol of justice to the processing of citations, accept what is filed and turn a "blind eye" to the defects of the citation.

Call to Action

In direct response to the evaluation completed by the BPR team, Orange County Superior Court has made a decision to better utilize staff resources and remain an impartial party by no longer reviewing traffic citations with the exception of the following:

- Valid violation – The purpose for maintaining this review is to prohibit our case management system from being populated with invalid code sections and inaccurate bail calculations. Violations in question are sent to the bail team to research and, if necessary, discuss with law enforcement before entering.
- Valid violation date – The purpose for maintaining this review is to accurately calculate bail on the case based on the date the violation occurred.
- Speeds are written for speeding violations – The purpose for maintaining this review is to accurately calculate bail on speeding violations. Bail is determined by the amount over the speed limit.
- Date of birth is complete (month/day/year) – To correctly determine adult or juvenile status.
- Valid appearance date -The purpose for maintaining this review is to ensure that a court business day is provided as the appearance date. Further, it provides the court the ability to pursue the appropriate non-compliance path for both civil assessment and/or warrant of arrest in the event of a failure to appear.

Implementation of these reduced reviews was preceded by a courtesy communication sent to the prosecuting and law enforcement agencies that issue traffic citations in Orange County.

Public trust and confidence must be earned through our actions; the public will not give it freely. Although this is a great example of the progress Orange County Superior Court has made, is it truly the right thing to do? Is it procedurally fair for all parties involved? The courts need to take proactive steps to achieve procedural fairness to guarantee impartiality and justice for all.

This paper first focuses on a review of literature outlining procedural fairness and traffic citation processing. It then provides information on what process reengineering is, as well as provides some guiding principles used by other courts for reengineering projects. It also describes the process used by the Orange County Superior Court to reengineer traffic citation review. Next, the report describes the data collection methods, the analysis of responses to a court survey on traffic citation processing and onsite evaluations that were used to evaluate this subject. The data collected from these methods of research are evaluated to list findings and conclusions. Last, those findings are used to establish recommendations for meeting the budget challenges by reengineering the way the courts do business utilizing a filter of procedural fairness and impartiality.

Literature Review

Research began with a focus of identifying policies, procedures or legislation that would dictate the Court's role in reviewing citations. Unfortunately, there was nothing to be found. The National Center for State Courts was unable to identify any literature that was written specifically on this topic. However, there was a lot written about procedural fairness. The concept of procedural fairness had a direct correlation with the goal Orange County Superior Court established as part of its reengineering efforts. "Doing the right things the right way" was a concept that was built on the Strategic Goals and Policy Directions (Justice in Focus - The Strategic Plan for California's Judicial Branch 2006 - 2012 Adopted 12/1/06, 2006, pp. 17 - 18), Goal I: Access, Fairness and Diversity which states the following (bold added for emphasis):

- Work to prevent **bias, and the appearance of bias**, in all parts of the judicial branch.
- Work to achieve **procedural fairness in all types of cases.**

Procedural Fairness

So, why is achieving procedural fairness so important? There have been many articles written about procedural fairness, however, this statement clearly illustrates why the courts should strive for procedural fairness; "the perception of unfair or unequal treatment is the single most important source of popular dissatisfaction with the American legal system." (Tyler J. S., Rev. 513, 517 2003). The author was conveying a very easy to understand concept, when people perceive they are being treated unfairly, people become dissatisfied.

Perception is a powerful thing. The courts need to be aware of their actions and how they can be perceived by the public it serves. Treating justice partners differently than the public is treated can lead to public dissatisfaction and, importantly, work processes that go beyond what a court should be required to do, thereby increasing personnel costs.

Court staff work with our justice partners on a daily basis, therefore, many have become friendly with each other, greet each other by name or invite them into the secured office area to conduct business. When these actions are viewed by the public, does this inspire confidence that they will be treated fairly when appearing in court? “The public has a tendency to see the judicial branch as intimately connected with other groups that help constitute the legal process, from the legislators who draft laws to the police who enforce them.” (Leben, 2007) To illustrate the point, consider a defendant appearing in the courtroom for his court trial on a traffic ticket. The defendant enters the courtroom through the public door and has a seat in the audience. What perception of fairness will the defendant have when he sees the officer come into the courtroom through the secure staff hallway, chat with the courtroom clerk and greet the judge by name? Will the defendant’s perception be that he will be treated fairly during the trial? Regardless of how the defendant is actually treated, witnessing the interaction of the officer with the court can affect the defendant’s perception of the trial.

So, is focusing on the outcome and not the process important as it relates to procedural fairness? Not necessarily, however the courts must be careful to not focus on outcomes largely to the exclusion of processes. As noted in the article, “Fair Procedures, Yes. But We Dare Not Lose Sight of Fair Outcomes” from the Court

Review - The Journal of the American Judges Association. (Dietrich, 2007) A simple thought experiment illustrates this point very well. Suppose Defendant A and Defendant B have both been charged with first-degree murder, a crime that they did not commit. They are tried separately, in the same courtroom and with the same evidence. In Defendant A's trial, he is not allowed to testify, the judge shows clear favoritism to the prosecutor, and court personnel treat A in a rude and condescending manner. Nonetheless, the jury acquits. In Defendant B's trial, he is allowed to address the court, the judge is scrupulously impartial, and court personnel are extremely respectful. Nonetheless, the jury convicts. Clearly, the process in B's trial is fairer, and anyone would prefer the B court's procedures. But on the whole, which situation is better? Would you rather be Defendant A or Defendant B? In this situation, outcome trumps process.

Now, clearly in a murder trial, outcome trumps process. But when we focus on the processing of traffic infraction violations where loss of life or liberty is not at stake, does outcome trump process? Let's evaluate another example. In an article written by Tom Tyler entitled *Obeying the Law in America: Procedural Justice and the Sense of Fairness*, he references a study he completed where he interviewed people who appeared before judges in traffic court in Chicago, Illinois. In his article he writes,

At the time, it was a common practice to dismiss people's cases when they appeared in court in person, based upon the assumption that coming to court was punishment enough for minor offenses. So, each litigant received no fine and had no record. We might have expected people to be happy. However, I consistently found that people were angry. Why?

Because they did not experience this mode of case disposition to be fair. They wanted to have a trial in which they could present their evidence and receive a legal decision about the merits of their traffic ticket. Receiving a favorable outcome was less important to them than having their day in court. (Tyler T.)

Unfortunately, the search for studies, reports or articles on the processing of traffic citations did not turn up any useful information or data. However, a review into the concept of procedural fairness as described above along with the understanding of the court's goal to achieve procedural fairness does provide a foundation for further evaluation / discussion regarding the court's role in reviewing traffic citations.

Business Process Reengineering

Process might be important in these cases for another reason. Due to practices described above, the court often finds itself adding steps to the work process to complete or correct work that arguably belongs to the issuer of the citation. When procedural fairness is used as a criterion, such processes may be legitimate candidates for reengineering.

The term 'reengineering' was first introduced in 1990 in a Harvard Business Review article entitled, "Reengineering Work: Don't Automate, Obliterate. (Hammer, Reengineering Work: Don't Automate, Obliterate, 1990) In the article, Hammer states that it is time to stop paving the cow paths, meaning that instead of embedding outdated processes in silicon and software, we should look to obliterate them and start over. Reengineering strives to break away from old rules about how we organize and conduct

business. It involved recognizing and rejecting some of them and finding imaginative new ways to accomplish work.

Hammer later goes on to state the essence of reengineering as “the heart of reengineering is the notion of discontinuous thinking – of recognizing and breaking away from outdated rules and fundamental assumptions that underlie operations. Rather we must challenge old assumptions and shed the old rules that made the business underperform in the first place.” This is a very powerful statement, reengineering is about escaping old beliefs and looking for opportunities to change the way we do business. So how did the courts design an inefficient and procedurally unfair process regarding the processing of citations? It is not clear if it was by design or just merely happened. When the courts began the process of receiving citations from law enforcement, the process was most likely very different. But over time as the task of reviewing citations passed from one person to another, an evolution took place that resulted in the time consuming review process Orange County sought to reengineer. Hammer provides an example of how this can occur:

We have institutionalized the ad hoc and enshrined the temporary. Why do we send foreign accounts to the corner desk? Because 20 years ago, Mary spoke French and Mary had the corner desk. Today Mary is long gone and we no longer do business in France, but we still send foreign accounts to the corner desk. (Hammer, *Reengineering Work: Don't Automate, Obliterate*, 1990)

This is a perfect example of how a process can evolve over time without intentional design. Hammer also wrote *Reengineering the Corporation*, (Hammer &

Champy, *Reengineering the Corporation*, 1993) and *The Reengineering Revolution, A Handbook* (Hammer, *The Reengineering Revolution, A Handbook*, 1994). Michael Hammer is a leader in the business reengineering revolution.

The challenge for the courts when employing a reengineering effort is not just to focus on efficiency, but work to drive their reengineering efforts by using the lens of fairness and impartiality to identify areas that need to be reengineered. The National Center for State Courts annually publishes a book entitled “Future Trends in State Courts”. In the 2010 edition, court reengineering is a primary focus. In the article written by Thomas M. Clarke entitled “The Business Case for Court Principles Based Essential Functions” (Clarke, 2010, pp. 8 -10) he states that the National Center for State Courts proposes to work with the courts to establish what they are operationally required to do to fulfill their constitutional function. Without this information, courts may make their own resource problems even worse by continuing to fund and carry out functions that are better done by other government agencies. He later states that some current court functions threatened by resource shortages do not directly support rule of law and probably could be shed without significant threat to the constitutional role of the judicial branch. This is where procedural fairness has a direct correlation with business processing reengineering.

In the same report, Daniel J. Hall and Lee Suskin wrote an article entitled “Reengineering Lessons From the Field” (Hall & Suskin, 2010, pp. 37, 39). In this article they discuss five specific steps gleaned from the experiences of states that have undertaken reengineering efforts (Iowa, Michigan, Minnesota, New Hampshire, Oregon, Utah and Vermont). One of the steps listed is to develop principles, administrative,

governance and essential functions that become the lens through which decisions are made. They later go on to write that when looking to gain staffing efficiencies, eliminate functions that are no longer necessary, have less priority, or can no longer be afforded. This is clear evidence that building reengineering efforts around essential core functions and using that as a lens through which decisions are made is a sound evidence based business practice that should be employed,

Last, the Honorable John T. Broderick sums up the need for reengineering the way the courts do business in his article entitled “The Changing Face of Justice in a New Century: The Challenges It Poses to State Courts and Court Management.” His closing statement is based on the need to find new ways to drain expense and delay from the services the courts offer.

Sometimes it is easy to get discouraged by the sheer magnitude of it all. In that regard, let me close with an apocryphal story. One summer morning after a strong ocean storm, a small child was walking the beach tossing starfish back into the receding tide. An elderly man was walking toward him and was taken aback by the child’s optimism. “Young man,” he said in his wisdom, “There are hundreds of starfish that have been washed ashore. The day’s heat will likely kill them before you get to them all. I think you’re wasting your time. You really can’t make a difference.” The young boy looked up, smiled politely, and reached down for another starfish, which he cast gently into the ocean. “I made a difference for that one,” he said as he continued down the beach. (Broderick Jr., 2010, pp. 60-65)

Like the child in the story, the courts must strive do something and not give in to the enormity of the task and challenge at hand. Public trust and confidence is not given, it is earned, and therefore the courts must evolve, embrace reengineering and focus on doing the right things the right way to ensure procedural fairness. It cannot be a choice; it must be seen as an obligation.

Methods

There were four methods of research that were employed to evaluate the auditing of traffic citations:

1. A review of the Business Processing Reengineering efforts undertaken in Orange County Superior Court related to the reengineering of traffic citation processing to assess the scope and nature of the changes made.
2. A survey conducted through the PINetwork Listserve. The PINetwork e-mail discussion group (listserve) was established to help California Court staff exchange ideas, materials and ask questions as to procedures and processes.
3. A “perception” survey conducted through Survey Monkey, a free internet survey tool. This tool was used as it automatically compiles responses and is a user friendly survey tool that has been used successfully by Orange County Superior Court in the past.
4. A survey conducted of the West Justice Center Managers and Supervisors regarding procedural fairness.

Goals of the Surveys

The goal of the PINetwork survey was to identify the ways courts process traffic citations, specifically, to identify any policies or practices relating directly to the review of traffic citations. Also, to use the lens of procedural fairness in the review of policies or practices that are identified. The findings of this survey are limited as the survey only resulted in a total of 4 responses.

The goal of the perception survey conducted through Survey Monkey was to gain an understanding of the perceptions as it relates to procedural fairness in the review of traffic citations. The survey measured responses for staff by job classification and years of service.

Last, the goal of the survey conducted of the West Justice Center Managers and Supervisors was to identify procedures or processes that when viewed through the lens of procedural fairness are ripe for reengineering. Therefore resulting in much needed cost savings to meet the current budget challenges.

PINetwork Survey

On December 19, 2011, a survey was sent through the PINetwork Listserve that contained the following survey questions:

1. What legislative rules dictate what your court “reviews” when citations are filed with the court? (Reviews refer to your court’s processes for accepting or rejecting traffic citation filings, missing or incorrect data on the citation, date of birth, driver license, violation etc. . .)
2. In absence of legislative rules, what local policies, guidelines or agreements has your court established for the reviewing of traffic citations.
3. What “reviewing” is currently done by your court in the processing of traffic citations?
 - a. Of those items reviewed, what errors are returned to law enforcement for correction?
 - b. Of those items reviewed, what errors are researched / corrected by court staff?

4. How many traffic filings do you receive per month / year county wide?

Last, there was an optional question included in the survey:

Question: Do you believe that the reviewing of citations is necessary in the “interest of justice or do you believe that it is an issue of procedural fairness that blurs the line of impartiality for the court?

Purpose of Questions

The questions were designed for the following reasons:

Question	Purpose
1. What legislative rules dictate what your court “reviews” when citations are filed with the court?	Identify legislative rules that govern the processing of traffic citations.
2. In absence of legislative rules, what local policies, guidelines or agreements has your court established for the reviewing of traffic citations?	Identify a list of practices established by the courts in absence of clear legislative direction. This information would be used to formulate recommendations.
3. What “reviewing” is currently done by your court in the processing of traffic citations? a. Of those items reviewed, what errors are returned to law enforcement for correction? b. Of those items reviewed, what errors are researched / corrected by court staff?	Identify the reviewing currently being processed by the courts. This information would be used to formulate recommendations. Questions a and b were asked to determine the types of errors returned to law enforcement in comparison to the types of errors corrected by court staff.
4. How many traffic filings do you receive per month / year county wide?	This information was requested to identify differences / consistencies between large and small courts.

Optional Question	
Do you believe that the reviewing of citations is necessary in the “interest of justice or do you believe that it is an issue of procedural fairness that blurs the line of impartiality for the court?	This question was asked to ascertain the responder’s view of procedural fairness as it relates to the reviewing of traffic citations.

The request to complete the survey was sent through the PINetwork on December 19, 2011 with a reminder to complete the survey sent on January 10, 2011. The survey responses were accepted up to February 10, 2011.

Perception Survey – Traffic Citation Processing

The survey was sent on March 20, 2012 to a total of 61 Orange County Superior Court managers, supervisors, analysts and court trainers. The survey questions were developed in consultation with Gene Flango, Executive Director, Program Resource Development National Center for State Courts. A copy of the survey is attached in Appendix C.

The survey questions were as follows:

1. What is your current classification?
 - Courtroom Clerk
 - Courtroom Clerk Supervisor
 - Courtroom Manager
 - Legal Processing Specialist
 - Legal Processing Specialist Supervisor
 - Case Processing Manager
 - Training Procedure Specialist

- Program Coordinator Specialist
 - Office Assistant
 - Analyst
 - Other
2. How many years have you worked for the Orange County Superior Court?
- 0 – 5 Years
 - 6 – 10 Years
 - 11 – 20 Years
 - 21 or More
3. Historically, citations filed with the court by law enforcement may contain errors and/or omissions. Should the court be responsible for “reviewing” citations to identify errors and/or omissions?
- Yes, the court should review all fields on the citation for completeness and accuracy.
 - Yes, however, the court should only review for fields required for entry into Vision.
 - No, the court should not be responsible for reviewing citations.
4. What party benefits from the “review” of citations for accuracy and elimination of errors?
- Law Enforcement
 - Defendant
 - Other (Comment field for this selection)

5. If the public was aware of the court’s practice of “reviewing” citations, do you think this would have a negative impact on the public’s perception of the courts as being fair or impartial?
 - Yes
 - No
 - Comment field to provide basis for their selection

Purpose of Questions

The questions were designed for the following reasons:

Question	Purpose
1. What is your current classification?	To explore the possibility of different perceptions of procedural fairness based on position with the court.
2. How many years have you worked for the Orange County Superior Court?	To explore the possibility of different perceptions of procedural fairness as it relates to their experience with the court.
3. Historically, citations filed with the court by law enforcement may contain errors and/or omissions. Should the court be responsible for “reviewing” citations to identify errors and/or omissions?	To ascertain the employee’s position as to whether the court’s should be involved in the review of citations.
4. What party benefits from the “review” of citations for accuracy and elimination of errors?	To begin to explore the employee’s perception of fairness in the review of traffic citations.
5. If the public was aware of the court’s practice of “reviewing” citations, do you think this would have a negative impact on the public’s perception of the courts	This question gauges the employee’s perception of fairness as it relates to the defendant. This question hopes to explore differences in responses by

as being fair or impartial?	classification as there can be a direct correlation between their response and the amount of direct interaction the employee has with the public.
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West Justice Center Survey – Managers and Supervisors

Given the success of the court’s reengineering effort and the staff receptivity to the idea of procedural fairness identified by the first set of surveys, an “electronic focus group” was conducted to identify other areas where the court may be exceeding propriety in its practices. This survey was sent electronically on April 4, 2012 to all West Justice Center Managers and Supervisors, a total of 12 employees. The survey resulted in a total of 10 responses. The survey question was as follows:

The reduction in citation review and subsequent outsourcing of that review to a vendor resulted in a savings of 7.5 full time equivalent positions court wide. This was achieved by using a filter of procedural fairness and impartiality to reengineer that process to only review what was necessary to initiate the citation into the Vision Case Management System. When viewing the court through the filter of procedural fairness and impartiality, what other procedures or processes do you believe can be reengineered that will result in a cost savings to the court?

Purpose of Question

The question was designed for the following reason:

Question	Purpose
When viewing the court through the filter of procedural fairness and impartiality, what other procedures or processes do you believe can be reengineered that will result in a cost savings to the court?	To identify additional court processes that will benefit from reengineering and result in elimination of a process that is perceived as procedurally unfair.

Findings

The research provided general findings and results as follows:

- Legislation is lacking in the area of reviewing citations and the mandatory fields that must be completed on a citation filed by law enforcement.
- The Judicial Council of California has produced a document entitled “Notice to Appear and Related Forms” that is used by many courts to define the “review” completed at their court. (Appendix A)
- The filter of “Procedural Fairness” has not been explored in actions by the court in the filing of citations. Research available focuses on court hearings and the outcome of those hearings, not the procedural steps followed by the court prior to a defendant appearing in the courthouse.
- There are other opportunities for the courts to reengineer business processes, although not all opportunities are through the filter of procedural fairness. However, procedural fairness should be one of the tools that courts use to find those opportunities.

The specific findings are set forth in this section, grouped by method. Each finding is labeled by the method by which it was obtained (PINetwork Survey, Perception Survey, and by West Justice Center Survey) and the survey question number.

PINetwork Survey

This survey generated four responses from California’s courts that review traffic citations when filed with the court. Although few in number, they exhibit the range of

practices currently employed by the courts absent more specific guidance from the Judicial Council and Administrative Office of the Courts.

PINetwork Survey Question #1 – Legislative Rules

Table 1 sets forth the responses to the first survey question, *“What legislative rules dictate what your court “reviews” when citations are filed with the court?”*

Legislative Rules	Number of Responses
40500 (d) VC	1
Notice to Appear and Related Forms	2
None	1
Total Responses	4

Table 1 - Legislative Rules

PINetwork Survey Finding 1: The survey resulted in only one response that listed a Vehicle Code Section (40500(d)) as legislation that guides their review. VC 40500(d) states that:

Any person, including the arresting officer and any member of the officer’s department or agency, or any peace officer, who alters, conceals, modifies, nullifies, or destroys , or causes to be altered, concealed, modified, nullified, or destroyed, the face side of the remaining original or any copy of a citation that was retained by the officer, for any reason, before it is filed with the magistrate or with a person authorized by the magistrate or judge to receive a deposit of bail, is guilty of a misdemeanor. (California Vehicle Code, 2011)

Although this section discusses altering the citation, it is clearly related to the altering of the citation prior to filing it with the court. Therefore, for the purposes of this

survey, Vehicle Code Section 40500(d) (Appendix B) is not a governing code for the reviewing of citations by the court.

The survey showed a second response that listed a document created by the Judicial Council of California, "Notice to Appear and Related Forms (California, 2009) as the guide for the reviewing performed. In reviewing the document, it is clearly designed to provide direction to law enforcement and the court what constitutes a valid Notice to Appear regarding mandatory data and fields that must be on the form used by law enforcement. However, Chapter 6, page 6, makes reference to Vehicle Code Section 40500(a). See Appendix B for the full text, it states:

Whenever a person is arrested for any violation of this code not declared to be a felony, or for a violation of an ordinance of a city or county relating to traffic offenses and he or she is not immediately taken before a magistrate, as provided in this chapter, the arresting officer shall prepare in triplicate a written notice to appear in court or before a person authorized to receive a deposit of bail, containing the name and address of the person, the license number of his or her vehicle, if any, the name and address, when available, of the registered owner or lessee of the vehicle, the offense charged and the time and place when and where he or she shall appear. If the arrestee does not have a driver's license or other satisfactory evidence of identity in his or her possession, the officer may require the arrestee to place a right thumbprint, or a left thumbprint or fingerprint if the person has a missing or disfigured right thumb on, on the notice to appear. . . . (California Vehicle Code, 2011)

This is the first definitive listing of items that must be on the notice to appear given by the officer to the court for filing. Those items are:

- Name and address of the person cited
- Vehicle license number (if any)
- Registered owner’s / Lessee Name and Address (if available)
- The offense charged
- Time and place where the cited person must appear
- Thumbprint / fingerprint if satisfactory evidence of identity is not presented

PINetwork Survey Question #2 – Local Policies and Guidelines

Table 2 sets forth the responses to the second survey question, *“In absence of legislative rules, what local policies, guidelines or agreements has your court established for the reviewing of traffic citations”*.

Local Policies and Guidelines	Number of Responses
Owners Responsibility / License Requirements	1
CMS Requirements	1
Incorrect Dates	1
None	1
Total Responses	4

Table 2 - Local Policies and Guidelines

PINetwork Survey Finding 2: The survey resulted in the following response of local polices / guidelines that have been implemented in absence of clear legislative direction:

- Owners Responsibility and License Requirements: To support the filing, a Department of Motor Vehicles printout is required on all Vehicle Code Section 12500(a) filings to clearly show the license status of the cited person. Also, on all

owners' violations, if the Owner's Responsibility checkbox is marked as well as being signed by the driver, it is returned to law enforcement for correction.

- **Case Management System (CMS) Requirements:** If a subsection is missing from the violation field with the court, it will be entered into the CMS with the appropriate subsection identified by the court if it does not change the offense filed by the officer.
- **Incorrect Dates:** If an officer files a citation with the incorrect year of appearance (2011 vs. 2012), the correction will be made by the court when the citation is entered into the CMS.

PINetwork Survey Question #3 – Citation Reviewing

Table 3 sets forth the responses to the third survey question, *“What “reviewing” is currently done by your court in the processing of traffic citations?”*

Citation Reviewing	Number of Responses
Completeness	1
Appearance Date	1
Case Management System Requirements	2
Total Responses	4

Table 3 – Citation Reviewing

PINetwork Survey Finding 3: The survey resulted in the following response of types of reviewing done in the processing of traffic citations:

- **Completeness:** Citations are reviewed for completeness, correctness and timeliness. Meaning, if information is missing, inaccurate or untimely (due date), the citation will be returned to law enforcement.
- **Appearance Date:** If the appearance date is within 2 weeks of the filing date, the court will automatically extend the appearance date 3 to 4 weeks.

- CMS Requirements: As a general rule, citations will be accepted with minor errors and won't be returned to law enforcement unless they are unable to enter it into their case management system.

PINetwork Survey Question #4 – Traffic Filings

Figure 1 sets forth the responses to the fourth survey question, “How many traffic filings do you receive per month / year county wide?”

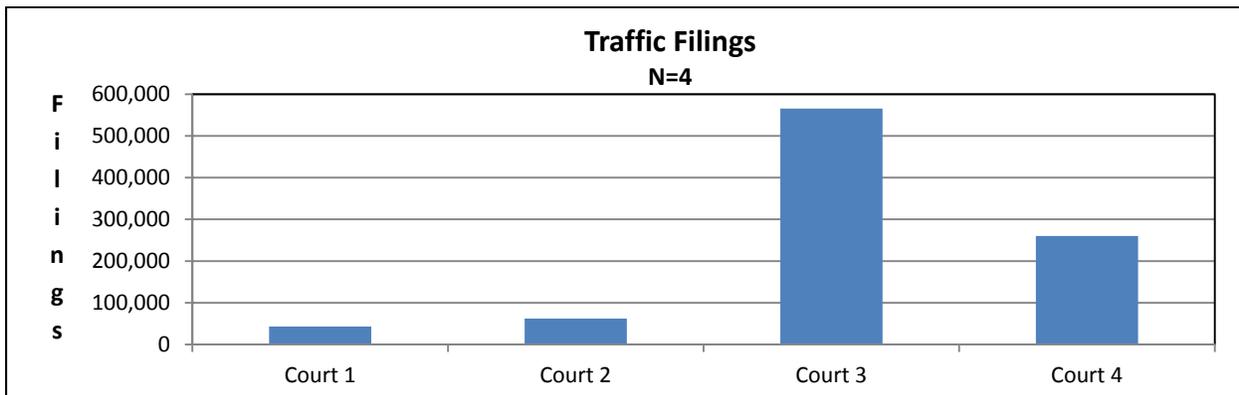


Figure 1 - Traffic Filings

PINetwork Survey Finding 4: The survey question provided data that assisted in allowing the classification of small court (2), medium court (1) and large court (1). However, since the data was limited to four responses, findings cannot be made as to the size of courts impacting the citation review process.

Perception Survey – Traffic Citation Processing

Perception Survey Question #1 – Job Classification

Figure 2 sets forth the responses to the first perception survey question, “What is your current classification?”

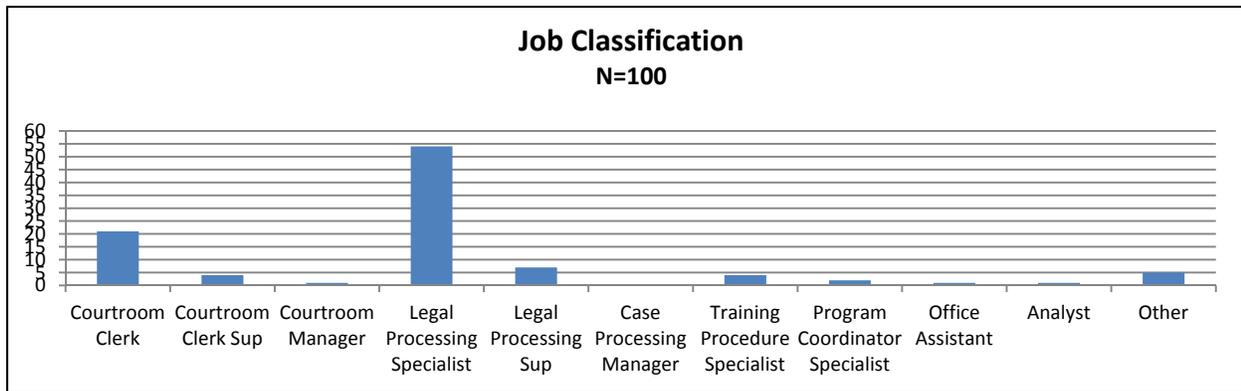


Figure 2 - Job Classification

Perception Survey Finding 1: The classification of employees is grouped in the following manner:

- Classifications that support the courtroom (28 Responses):
 - Courtroom Clerk (21 responses)
 - Courtroom Clerk Supervisor (4 responses)
 - Courtroom Manager (1 response)
 - Program Coordinator Specialist (2 responses)
- Classifications that support the clerk's office (66 responses):
 - Legal Processing Specialist (54 responses)
 - Legal Processing Supervisor (7 responses)
 - Case Processing Manager (0 responses)
 - Training Procedure Specialist (4 responses)
 - Office Assistant (1 response)
- Classifications that support the court in general, no specific department (6 responses):
 - Analyst (1 response)

- Other (5 responses)

This designation is important as it speaks to the interaction each classification has with the defendant. The clerk’s office classifications have direct contact with the public at the windows, through the phone and through direct correspondence. The interaction by courtroom classifications is primarily during a court hearing.

Perception Survey Question #2 – Experience

Figure 3 sets forth the responses to the second perception survey question, *“How many years have you worked for the Orange County Superior Court?”*

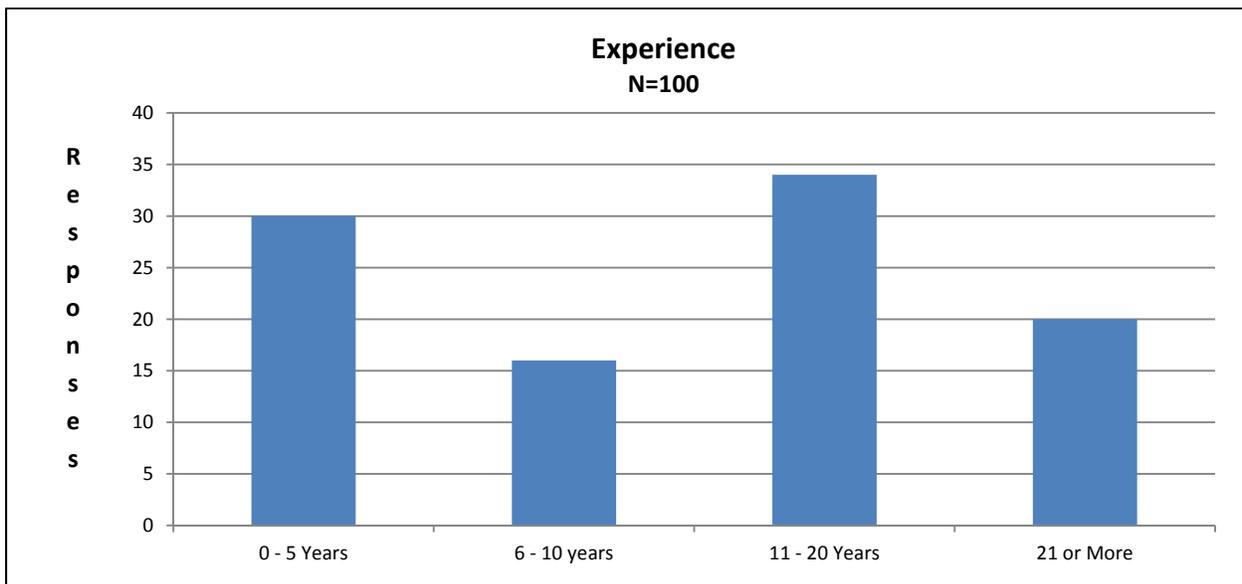


Figure 3 – Experience

Perception Survey Finding 2: This designation of experience with the court is important as it speaks to a possible correlation between experience and the perception of fairness.

Perception Survey Question #3 – Court Responsible for the Review of Citations

Figure 4 sets forth the responses to the third perception survey question, *“Historically, citations filed with the court by law enforcement may contain errors and/or*

omissions. Should the court be responsible for “reviewing citations to identify errors and/or omissions?”

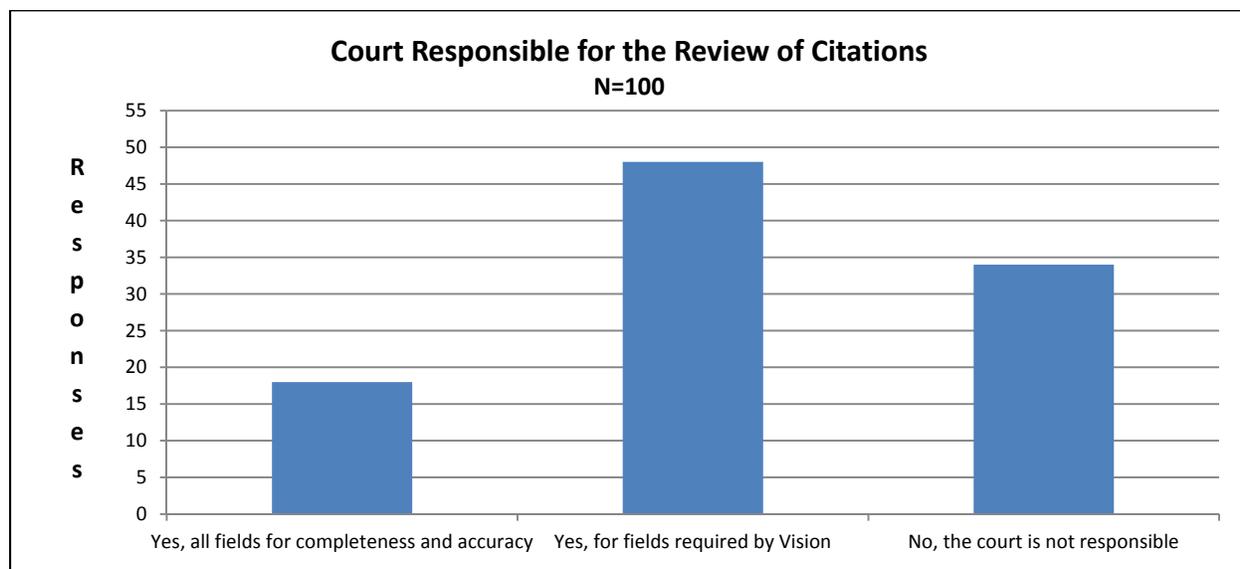


Figure 4 - Court Responsible for the Review of Citations

Perception Survey Finding 3-1: The majority of the employees (82%) agreed that the court should only edit for fields required by the Vision Case Management System used by the Orange County Superior Court or not at all. In comparison, only 18% believed the court should be responsible for reviewing all fields of the citation for completeness and accuracy. The results show that court staff supports the reduced review currently being done in Orange County as part of its reengineering efforts. It also illustrates that court staff supports the reduction of citation review because they don't feel it is a responsibility of the court, therefore, not procedurally fair. When we balance the scales of justice regarding fairness in the process, the workload goes down and the savings go up. This change has resulted in a staff savings of 7.5 FTE positions court wide, or \$363,792 in salary savings each year.

Perception Survey Finding 3-2: As described earlier, there are specific classifications within the court that support the courtroom and classifications that support the clerk’s office. Figure 5 displays an evaluation of responses by courtroom in comparison to responses from the clerk’s office. When you separate responses in this manner, out of a total of 28 responses from classifications that support the courtroom, 8 or 29% believe the court should audit the citation for completeness and accuracy. Conversely, out of a total of 66 responses from classifications that support the clerk’s office, 10 or 15% believe the court should audit citations for completeness and accuracy.

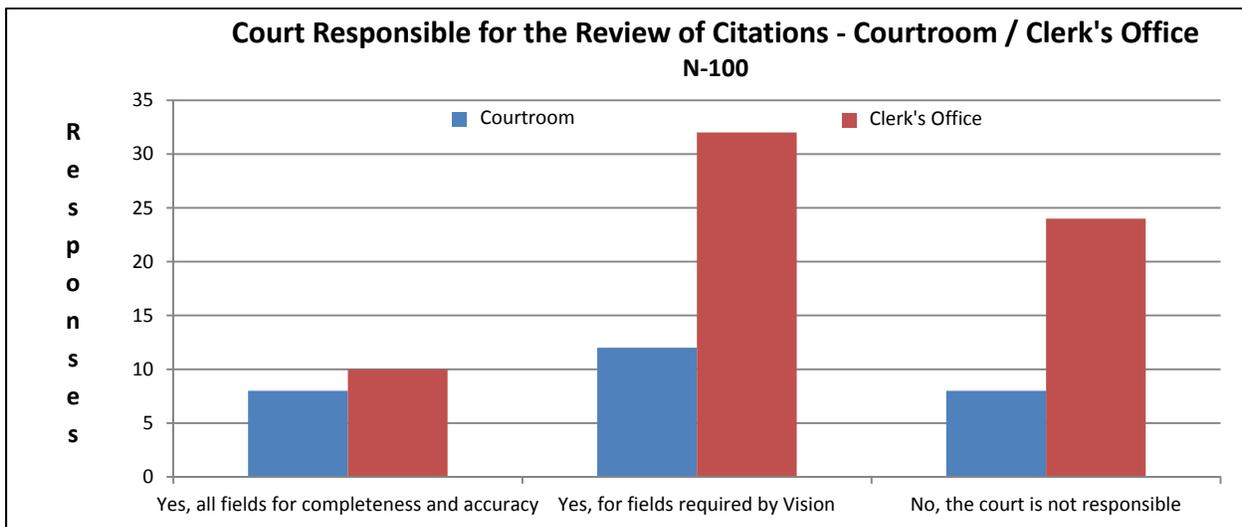


Figure 5 - Court Responsible for the Review of Citations - Courtroom / Clerk's Office

Based on the responses from the courtroom staff, the difference is rooted in the courtroom’s desire to eliminate errors; therefore, hearings are heard more efficiently. While the responses from the clerk’s office are based on their belief that it is not a responsibility of the court and therefore it is work that should not be done by the court.

Perception Survey Question #4 – Party That Benefits From Review

Figure 6 sets forth the responses to the first perception survey question, *“What party benefits from the “review” of citations for accuracy and elimination of errors?”*

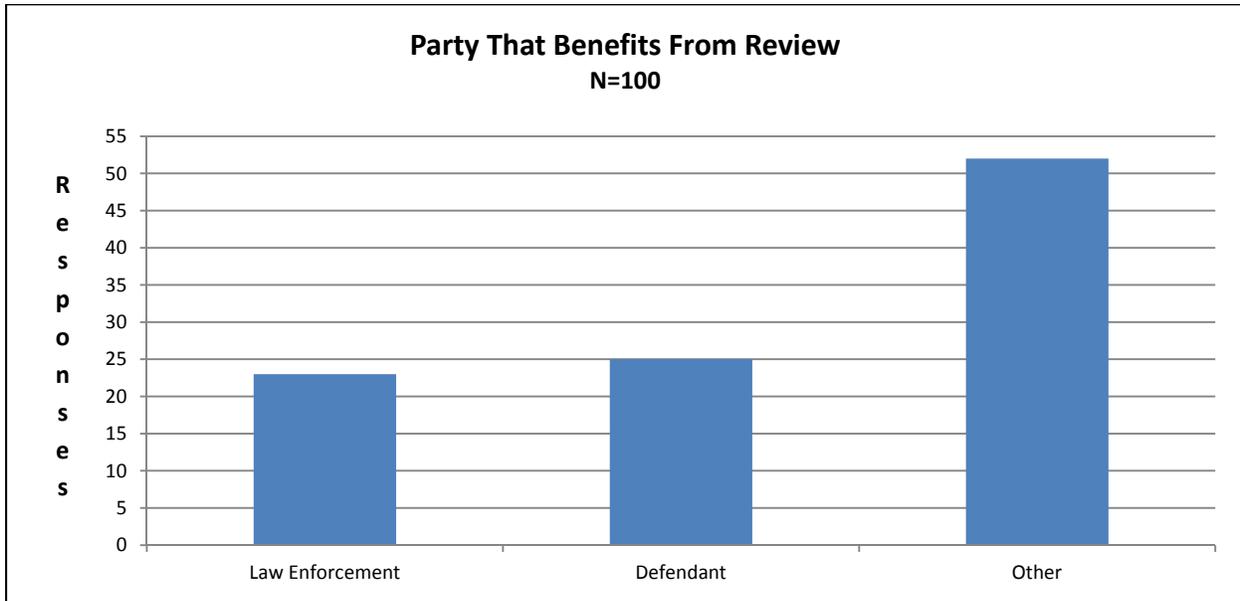


Figure 6 - Party That Benefits From Review

Perception Survey Finding 4-1: There was a general split between beliefs that the review of citations benefit either Law Enforcement or the Defendant (23% to 25% respectively). The majority responded as other (52%). The responses in the “Other” selection have been separated into the following categories:

- All Parties (Court, Law Enforcement and Defendant): 24
- Both (Law Enforcement and Defendant): 16
- Law Enforcement and the Court: 3
- Public: 2
- Defendant and the Court: 3
- Neither: 1
- Court: 3

Responses listing the court as a party that benefits by the review were based primarily on the time spent to correct errors in the courtroom after the citation is filed. The comments listed were not based on an issue of procedural fairness, rather the review of citations contributing to an efficient process. Overall, the number of responses that listed a party other than the defendant benefiting from review of citations totaled 26 responses or 26%.

Perception Survey Finding 4-2: Figure 7 displays the results of the survey when compared by courtroom and clerk's office classification.

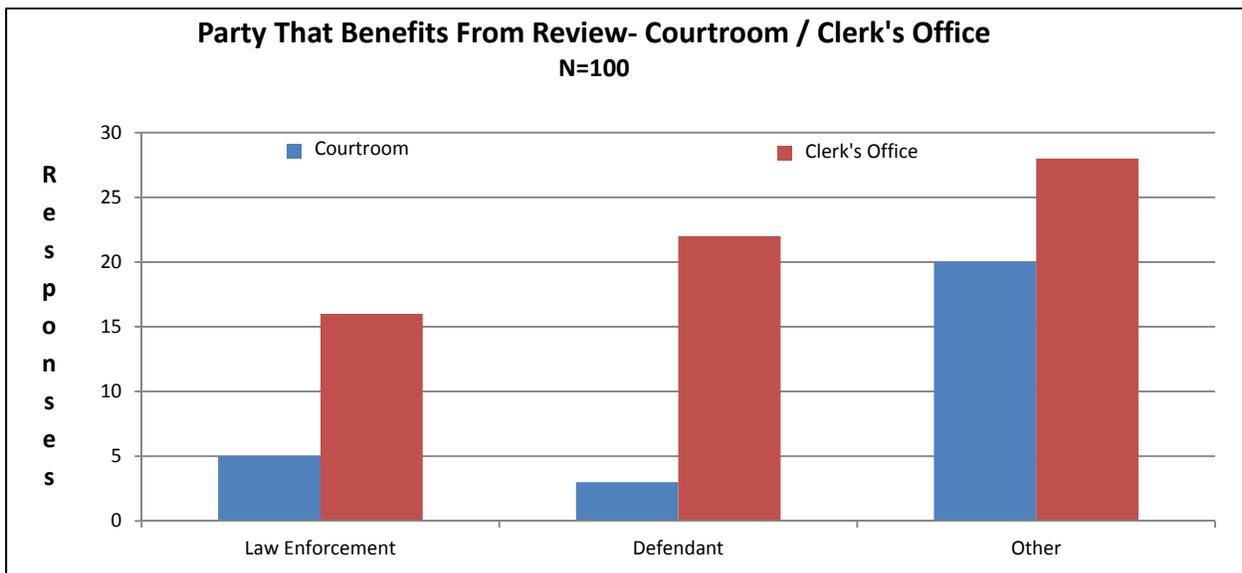


Figure 7 - Party That Benefits From Review - Courtroom / Clerk's Office

Based on the responses from the courtroom staff, there is little perception that there is a benefit for Law Enforcement or the Defendant (18% and 11% respectively). The Other responses (71%) were based on the perception that all parties, including the court, benefit from citations that are free from error. They felt that eliminating errors resulted in fewer hearings, less corrections to make in court and a more efficient

courtroom process. While the responses from the clerk’s office felt there was a benefit to a specific party, Law Enforcement or the Defendant (24% and 33% respectively). However, the majority of the responses were consistent with the courtroom clerks, there were multiple parties that benefited from the review as shown by the amount of responses in the Other category (43%).

Perception Survey Question #5 – Negative Impact on Public Perception

Figure 8 sets forth the responses to the fifth perception survey question, *“If the public was aware of the court’s practice of “reviewing citations, do you think this would have a negative impact on the public’s perception of the courts being fair and impartial?”*

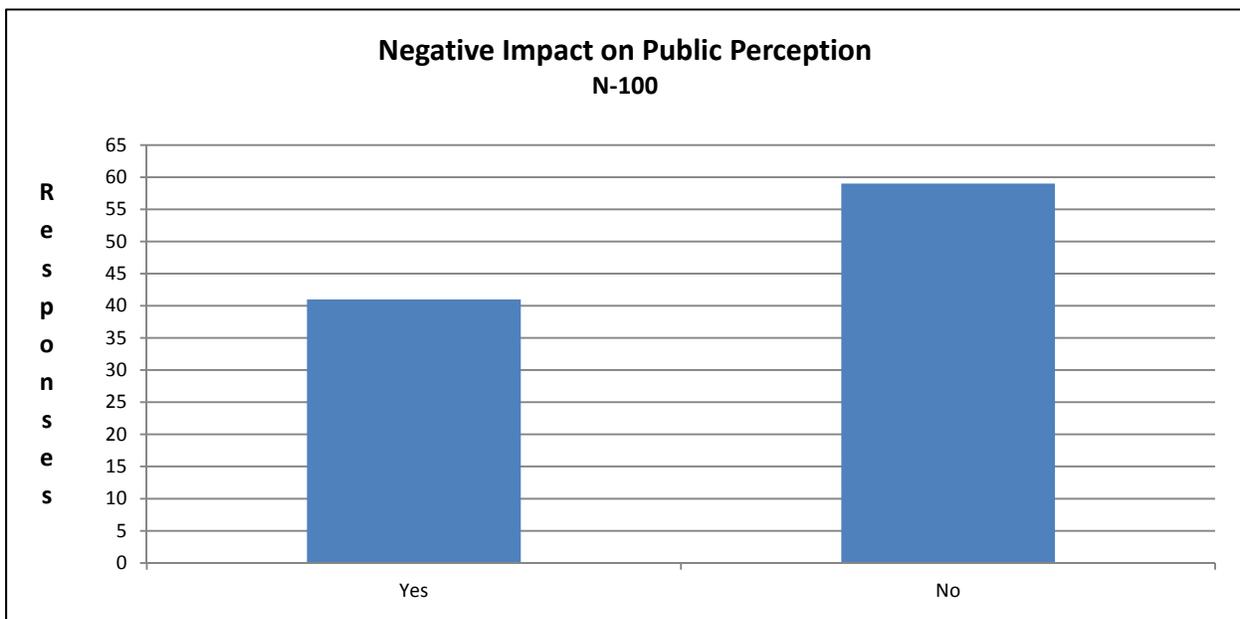


Figure 8 - Negative Impact on Public Perception

Perception Survey Finding 5-1: The majority of the employees believed that the public’s perception would not be negatively impacted if they were aware of the “review” of traffic citations being done by the court (41% Yes and 59% No).

Perception Survey Finding 5-2: Figure 9 displays the results of the survey when compared by courtroom and clerk’s office classification.

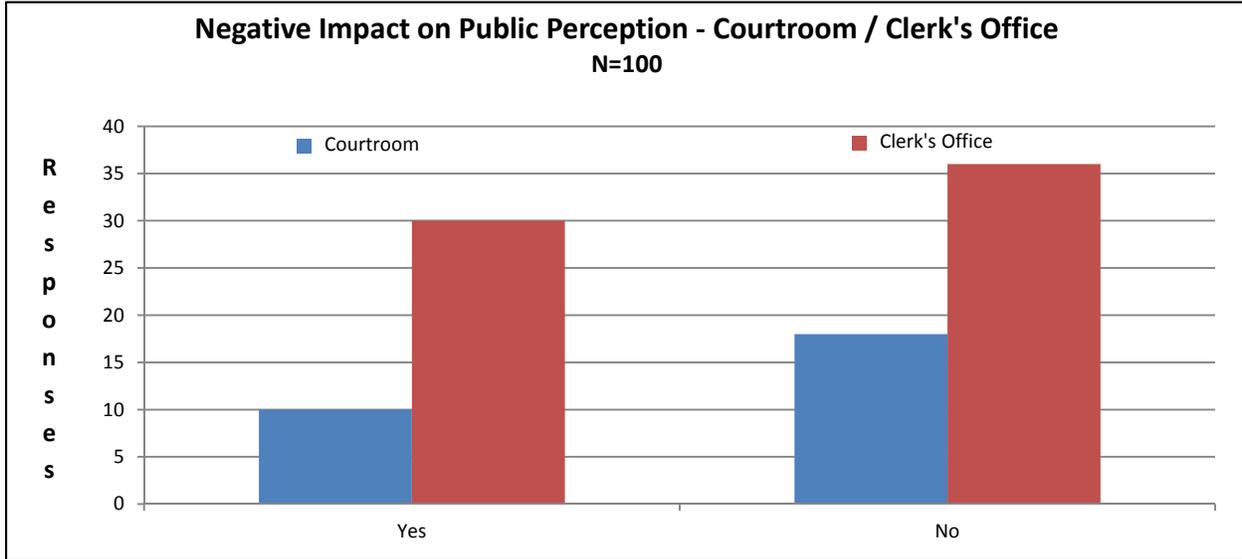


Figure 9 - Negative Impact on Public Perception - Courtroom / Clerk's Office

When compared by courtroom and clerk's office responses, the courtroom percentages for Yes or No responses are 35% and 65% respectively which is very similar to the percentages listed in Figure 13. For the clerk's office, the percentages for Yes and No are 45% and 55% respectively. No meaningful significance was found when the data was compared by operational units.

West Justice Center Survey – Reengineering Opportunities

West Justice Center Survey Question #1

The reduction in citation review and subsequent outsourcing of that review to a vendor resulted in a savings of 7.5 full time equivalent positions court wide. This was achieved by using a filter of procedural fairness and impartiality to reengineer that process to only review what was necessary to initiate the citation into the Vision Case Management System. When viewing the court through the filter of procedural fairness

and impartiality, what other procedures or processes do you believe can be reengineered that will result in a cost savings to the court?

West Justice Center Survey Finding 1-1: There were a total of 12 Managers and Supervisors included in this survey, all are assigned to the West Justice Center facility. A total of 10 surveys were returned, 2 of which had no suggestions for cost savings based on use of a filter of procedural fairness. The other 8 responses are categorized as follows:

Procedural Fairness and Cost Savings

1. Look into attorney services and how those services may favor those defendants that can afford an attorney and those that cannot.
 - a. Attorneys can bypass mandatory calendaring requirements established in Traffic, impacts the calendar and results in prepping cases while the judge is on the bench,
 - b. Attorneys are allowed to conduct telephonic and fax arraignments in lieu of personal appearance. This service is not offered to the public, if offered, could result in a cost savings with a reduction of hearings in the arraignment court.

This is an area that has yet to be explored. The concept of impartial treatment to represented and un-represented defendants is not new, however, the idea of extending services normally provided to attorney's to pro per litigants is intriguing, specifically the informal arraignment process.

Procedural Fairness and No Cost Savings

2. Look into the handling of domestic violence cases where the court only assists the moving party with filing the proper documents; no help is given to a responding party.

Although this suggestion does speak to procedural fairness, it does not provide an opportunity for reengineering with the purpose of realizing a cost savings.

3. Look into the process whereby the court provides interpreters only in criminal, domestic violence and juvenile proceedings. Civil / Small Claims parties should have access to those services as well.

This suggestion can be a procedural fairness issue; however, does not affect create a fairness issue in an adversarial hearing. Also, there does not seem to be an opportunity for reengineering with the purpose of realizing a cost savings. In fact, if the goal was to extend interpreter services to Civil / Small Claims hearings, it actually increases the cost to the court.

4. Look into courts that require mandatory e-filing of civil cases / documents. Self-represented parties usually do not have the means to e-file as compared to attorneys that have those resources.

This suggestion can be a procedural fairness issue; however, there does not seem to be an opportunity for reengineering with the purpose of realizing a cost savings.

5. Look into the processing of misdemeanor filings from law enforcement. Currently, staff reviews all the codes to make sure they are valid violations in our Vision case management system. Staff currently has to investigate the validity of

a charge using code books and the Official California Legislative Information website to verify City Codes, Municipal Codes and Vehicle Codes. It is suggested that this is a time consuming process that the court can reengineer and receive a cost savings.

This suggestion can be a procedural fairness issue, but is similar to the reengineering Orange County did with the processing of traffic infraction citations. Although it does expend court resources to ensure the violation being charged by the prosecutor is valid, it is one of the items that the Orange County Supervising Judges Committee stated must be done by the court. This ensures that the Vision case management system is not filled with violations that are not chargeable offenses.

Neither Procedural Fairness nor Not Cost Savings

6. Look into current procedures that allow the District Attorney to file criminal amended complaints in the clerk's office without the defendant being present. The amended complaint being filed could add / modify charges and add co-defendants. The public could view this as being partial to the District Attorney's office. The amended complaint should be filed in the courtroom when the defendant is present so that the court may notify the defendant of charges being added or changed. Cost savings for manual entry of complaint in the Vision Case Management System would be approximately 10 to 15 minutes per amended complaint. It is estimated that West Justice Center receives about 10 – 15 amended complaints per month.

This suggestion does not seem to be a procedural fairness issue. The suggestion lists a cost savings of 10 – 15 minutes per complaint; however, it actually shifts the work of entry of the amended complaint to the courtroom which actually increases the cost of entering the complaint (cost of hearing, clerk and judicial officer time).

7. Look into the processing of walk through warrants. Currently, undercover officers gain access to the Criminal / Traffic Clerk's Office to present a copy of a new complaint and sometimes an original complaint for a walk thru warrant. Staff reviews the complaint and supporting documents, affidavit in support of arrest and police report, then ask the officer to return in 20 minutes while they initiate the case in Vision. This could be perceived as being partial to law enforcement due to granting them specialized access to the clerk's office that the public is not provided. To avoid perception of partiality to law enforcement, walk thru warrants could be filed at the out of court windows where it would eliminate conversations between law enforcement and staff regarding the case. Or modify our existing District Attorney Interface to allow these cases to be filed electronically with no interaction with the police officer by the clerk's office. This would allow staff to process these cases without the interruption of law enforcement coming into the office.

This suggestion does not seem to be a procedural fairness issue, nor does it result in a cost savings as it is merely shifting work from an internal office location granted to law enforcement to public windows. Although there can be potential savings in automating the filing of the complaint as suggested, it is not significant.

8. Look into the processing of Search Warrants. Currently undercover officers gain access to our office via a code to our office door. They present Search warrants and staff advises the officer what courtroom to appear to have judicial officer review. Once Search warrant is signed, the officers leave and will return another day with the Return of Search warrant, again gaining access to our office to file these. It is suggested that we should eliminate the perception of partiality to law enforcement when filing Search Warrants / Return warrants. A daily calendar can be posted that instructs officers the correct courtroom to submit their filings for warrant. It can be displayed on existing electronic calendar boards or somewhere else that law enforcement can access. Officers can also be instructed to use the out of court windows to file search warrants and returns. Cost savings can be realized by minimizing the interruption of staff several times a day. The court receives approximately 15 search warrants per week.

This suggestion does not seem to be a procedural fairness issue, nor does it result in a cost savings as it is merely shifting work from an internal office location granted to law enforcement to public windows. Although there can be potential time savings in the posting of calendars to direct officers, it is not significant.

Cost Savings Not Procedural Fairness

9. Look into eliminating the audit that is done to verify the quality of data entry by the court's traffic citation outsourcing vendor. It is believed that eliminating the audit can save about an hour a day per justice center, for a total of 25 hours per week.

This suggestion does not seem to be a procedural fairness issue, although it can result in a cost savings to the court. The elimination of the quality of data entry audit can impact the courtroom and the public based on keying errors when the charging document is actually accurate.

10. Look into eliminating the audit that is done to verify the quality of data entry by the court's traffic citation outsourcing vendor. It is believed that eliminating the audit can save about an hour a day per justice center, for a total of 25 hours per week.

This suggestion does not seem to be a procedural fairness issue, although it can result in a cost savings to the court. The elimination of the quality of data entry audit can impact the courtroom and the public based on keying errors when the charging document is actually accurate.

Conclusions and Recommendations

Conclusion 1: There is a lack of clear legislative direction regarding the processing of traffic citations and accountability for law enforcement to file a citation free from defect.

The PINetwork survey, although it only resulted in 4 responses, did shed some light on some legislative guidance in the processing of traffic citations. The Judicial Council of California has produced a document entitled “Notice to Appear and Related Forms” that is used by many courts to define the “review” completed at their court. (Appendix A) However, that document focuses primarily on what fields must be on the traffic citation form, not necessarily rules and protocols that govern information that must be entered in those fields as well as an expectation that it is law enforcement’s responsibility to ensure it is free from error. It did provide a reference to VC 40500(a) (Appendix B), which provided the first definitive listing of items that must be on the notice to appear given by the officer to the court for filing.

This information is a start; however, much more legislation is needed in this area. The courts and legislation must evolve; we cannot solve tomorrow’s challenges with yesterday’s solutions.

Recommendation 1: The Administrative Office of the Courts (AOC) should revise the Notice To Appear and Related Forms (Appendix A) to include clear direction as to the responsibilities of courts and those of law enforcement regarding the proper filing of a citation clear of defects.

Clearly stating that the responsibility for filing citations with the court that are free from defect lies with law enforcement will eliminate the costs incurred by the court for the review of citations as well as the correction of those errors.

Conclusion 2: Information on Procedural Fairness as it relates to traffic citation processing is lacking. Existing research is based only on court hearings and their outcomes. Also, there is no information produced for the education of court staff.

The concept of Procedural Fairness is a hot topic at this time for the courts. The research shows many articles and studies performed on the public's experience as it relates to perception of fairness during court proceedings and hearing outcomes. However, no studies have been completed to evaluate procedural fairness in processes and procedures that do not involve the courtroom. It is easy to evaluate fairness in what is seen, the challenge lies in being transparent in all processes, seen and unseen. As documented in the Perception Survey, (Figure 9), Orange County employees still hold on to old processes or ideals in which the court felt the responsibility for reviewing all fields on the citation to ensure it was free from defect. We are in an age now where procedural fairness in court proceedings is attracting attention. Today in Orange County, bench officers do not allow a defendant to plead guilty "with an explanation" as was allowed in the past. This is a clear example of "Ex Parte" communication which allows the defendant to plead their case without the officer present in hopes of gaining leniency or a reduced fine. The officer is not given the opportunity to provide an account of the events that lead to the citation. Therefore, that practice is seen as procedurally unfair and no longer allowed in Orange County.

Recommendation 2: Studies and training in Procedural Fairness need to be conducted for all court procedures and proceedings.

The review of traffic citations for defects is just one of many procedures followed by the court that blurs the line between fairness and impartiality. Research needs to be conducted to find those procedures and processes that are unseen, but that can have a significant effect on fairness and impartiality. Once the research is completed, the results and findings need to be communicated to all levels of court staff to bring awareness to issues of procedural fairness.

Last, along with additional study into procedural fairness, a survey of the public, law enforcement, prosecutors, public defenders, State Bar, court staff and judges should be conducted to understand perceptions in the processing of traffic citations.

Conclusion 3: Reduction in the amount of data “reviewed” on traffic citations results in a cost savings for the court.

When Orange County Superior Court began the BPR effort, citation review consisted of reviewing all fields on the citation prior to entering into the Vision Case Management system. This review was performed on over 500,000 citations a year and resulted in approximately 2 full time employees being assigned per justice center to complete the review, a total of 10 full time employees. When the Supervising Judges Committee (Orange County’s change management process) approved a protocol that consisted of a reduced review process focusing only data required by the Vision Case Management System, significant ongoing savings were realized. After implementation, there was an immediate reduction in resources from 2 full time positions per justice center to 1 full time position per justice center. This resulted in an immediate staff

savings of 5 full time positions or \$242, 528 per year. Additional savings were realized when the new protocols for review were assigned to the Orange County's outsourcing vendor contracted for data entry and imaging services. This review service was added on a Request for Proposal (RFP) when the outsourcing contract was up for bid and the review was included by the vendor in the winning bid at literally no cost to the court. Upon outsourcing the review process to the vendor, staff assigned to citation review was further reduced to its current compliment of 2.5 full time positions. This is a final savings of 7.5 full time positions, a salary savings of \$363,792 per year for the Orange County Superior Court.

Recommendation 3: Studies need to be conducted in the cost to the court for citation review, error correction and the impact to law enforcement review when filing defective citations.

There is a clear cost to the court in the processing of citations received from law enforcement when it is understood that it is part of normal day to day operations. However, is the cost of correcting defective citations filed by law enforcement a cost that the courts should absorb? These defects can run from the citing of an expired violation, incorrectly citing a violation or as simple as citing the defendant to appear on a date that is a court holiday or weekend. Although it seems like a minor correction that may take just minutes to identify, consider the cost to print and complete a coversheet, memo or sticky note that lists the defect. Also, consider the cost to physically return the citation to that law enforcement office only to receive the same citation a few days later with a notice of correction. Law enforcement has come to rely on the courts to provide this service, however, this should be a responsibility of law enforcement to review the

citation to identify those errors made by officers in the field and correct them so that errors can be eliminated, resulting in efficiency for all.

Also, there are other impacts to defective citations filed by law enforcement. Consider a citation that is filed with incorrect or missing information that does not allow for a proper priors check with the Department of Motor Vehicles (DMV). Priors will not be assessed correctly resulting in lost revenue. Or, a prior violation that is not matched with DMV because of incorrect information on the citation so it does not enhance the bail properly as a second or subsequent offense, more lost revenue. Or the impact it has on a defendant when a violation is cited incorrectly and the defendant is charged an incorrect amount or a conviction incorrectly added to his/her driving record. Consider the time spent by the defendant and the court to resolve the matter. Last, consider a violation filed that is defective and dismissed by the court, resulting in more lost revenue. Lost revenue to law enforcement and the courts is not something that should be taken lightly, considering these difficult financial times. Maximizing quality, efficiency is a benefit to all, law enforcement, the courts and the public.

Conclusion 4: There are opportunities for business process reengineering in areas other than traffic citation review.

As a result of the survey completed by West Justice Center supervisory and management staff, an area identified for further study is the treatment of represented and un-represented defendants. Defendants that can afford an attorney have access to services that are not available to pro pers. For example, the Superior Court of California, County of Orange has created Local Rule 856 which states:

“In misdemeanor cases, subject to the following exceptions noted below, attorneys who are in good standing with the State Bar and the Court, on or before a defendant’s in-court appearance date, may enter a plea of “Not Guilty” and set a pretrial and jury trial date with the clerk of the court pursuant to Penal Code section 977(a)...”

An informal arraignment can be conducted by phone, in person at the public counter or by facsimile. This is an efficient process for the court that results in a reduction of the arraignment calendar and sets cases for trial without the work involved in having a formal arraignment in court. Looking to provide similar options to un-represented defendants should be explored as a procedural fairness issue as well as result in a cost savings for the court.

Recommendation 4-1: Business process reengineering efforts should look for opportunities to balance the scales of procedural fairness and save costs.

The informal arraignment process was developed as a way to provide efficiency to the arraignment process, thereby, reducing misdemeanor arraignments when the party plans to plead guilty. This is just one example of a process that if afforded to

misdemeanor defendants could expedite the arraignment process as well as reduce the number of hearings processed in the arraignment courtrooms, resulting in a cost savings to the court.

As written in the article written by Thomas M. Clarke entitled “The Business Case for Court Principles Based Essential Functions” (Hall & Suskin, 2010, p. 9) the courts need to work with the National Center for State Courts to establish what is operationally required to fulfill the court’s constitutional function. This evaluation can be the foundation for reengineering processes that will result in a cost savings to the court while eliminating processes that “over serve” justice partners and provide a disservice to the public. Today, the courts provide pro per litigants’ documents to fill out with little to no assistance on how to complete the form. However, an officer can file a document with the court and the court will work with law enforcement to ensure the document being filed is free from defect. This is not procedural fairness and impartiality; the court must strive to eliminate these types of processes.

Recommendation 4-2: These same ideals of Procedural Fairness need to translate to the future of electronic citations.

Soon, more and more law enforcement agencies will be implementing electronic ticket writers. Orange County Superior Court is currently working on a project to implement electronic citations with local law enforcement agencies as well as a separate project involving the California Highway Patrol (CHP). In the electronic transmission of citation data, technology allows us the ability to do the review of citations without any user intervention. All the costs associated with receiving paper citations, editing them and initiating them into a case management system will be

eliminated. However, with great technology comes great responsibility. In development of these new interfaces, the courts should take a proactive step to ensure error validation / correction is designed as part of the electronic ticket writer or through an electronic data review process managed by law enforcement. The courts should ensure that the data received complies with protocols for uploading data successfully in the case management system, but not ensuring that the citation is free from defect. Issues of procedural fairness are applicable whether a process has a monetary impact on the courts or not, it is irrelevant. Fairness and impartiality should be a value the courts strive to achieve under all circumstances, not just when there is a financial implication.

APPENDICIES

Appendix A – Notice To Appear and Related Forms

To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.

NOTICE TO APPEAR AND RELATED FORMS

Revised Effective April 24, 2009



JUDICIAL COUNCIL OF CALIFORNIA

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San Francisco, California 94102-3688

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Chapter 1 PURPOSE OF FORMS

1.000. Definitions

For the purposes of these instructions the following words are synonymous: (a) Notice to Appear, citation; (b) violation, offense, allegation, charges; (c) defendant, violator, person, individual, citee, driver; (d) court, court of jurisdiction; (e) officer, arresting officer, citing officer, issuing officer.

1.010. In General

Notice to Appear forms are designed to meet statutory requirements and, to the extent possible, address the procedural requirements of local courts and law enforcement agencies. Notices to Appear should provide the defendant with pertinent information regarding the charges and what steps the defendant must take to answer the allegations.

The uniform language and data fields assist law enforcement and the courts in the timely and accurate processing of the citation information. The design also ensures statewide conformity of advisements important to the defendant and that those advisements are clear and explicit.

1.020. Notice to Appear

- a) Whenever a person is arrested for any violation declared to be an infraction or misdemeanor, or for a violation of any city or county ordinance, and the person is not immediately taken before a magistrate, the arresting officer must prepare a Notice to Appear form.¹
- b) When the Notice to Appear is prepared on a form approved by the Judicial Council it constitutes a complaint to which the defendant may enter a plea.²

1.030. Continuation Form

- a) The *Continuation of Notice to Appear* or *Continuation of Citation* form must be used when multiple offenses are charged and the Notice to Appear form does not provide sufficient space for the listing of all the charges. A *Continuation of Citation* is a multipurpose form intended for use with either a Notice to Appear form or a Notice to Correct Violation form.
- b) A second Notice to Appear must not be issued in lieu of a continuation form.
- c) The Notice to Appear and the corresponding continuation form must be treated as one law enforcement document and contain the same citation number.

¹Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

²Per Veh. Code, § 40513(b) and Pen. Code, § 853.9.

1.040. Electronic Notice to Appear

- a) The electronic Notice to Appear eliminates those citation-processing problems caused by the illegibility of handwritten information. The use of an electronic Notice to Appear also reduces the amount of information that must be entered into law enforcement and court computer systems.
- b) A court is authorized to receive and file a Notice to Appear in an electronic form if all of the following conditions are met:³
 - 1) The information is on a form approved by the Judicial Council.
 - 2) The Notice to Appear is transmitted to the court by a law enforcement agency.
 - 3) The court has the facility to electronically store the information for the statutory period of record retention.
 - 4) The court has the ability to reproduce the Notice to Appear in physical form upon the demand and payment of the reproduction costs.

1.050. Notice of Correction and Proof of Service

Form TR-100, *Notice of Correction and Proof of Service*, must be used for any corrections to the original Notice to Appear citation.⁴ (See Appendix A.)

Chapter 2 AUTHORITY TO PRESCRIBE FORMAT

2.010. Judicial Council

- a) The Judicial Council has adopted three forms for the Notice to Appear:
 - 1) Form TR-115, *Automated Traffic Enforcement System Notice to Appear*,⁵ to be used in conjunction with violations of sections 22451, 21453, and 22101 recorded by an automated traffic enforcement system. (See Appendix D.)
 - 2) Form TR-120, *Nontraffic Notice to Appear*,⁶ to be used for violations other than traffic offenses. (See Appendix E.)
 - 3) Form TR-130, *Traffic/Nontraffic Notice to Appear*,⁷ to be used for both infraction and misdemeanor offenses. (See Appendix F.) The electronic Notice to Appear⁸ emulates the format of the *Traffic/Nontraffic Notice to Appear*. A computer-generated paper citation is issued to the defendant at the time of arrest.

³Per Pen. Code, § 959.1.

⁴Per Veh. Code, § 40505.

⁵Per Veh. Code, § 40518.

⁶Per Pen. Code, § 853.9.

⁷Per Veh. Code, §§ 40500(b), 40513(b), 40522, and Pen. Code, § 853.9.

⁸Per Pen. Code, § 959.1.

-
- b) Form TR-106, *Continuation of Notice to Appear*, and form TR-108, *Continuation of Citation*, are intended for use in conjunction with *Nontraffic* and *Traffic/Nontraffic Notice to Appear* forms. (See Appendix B.)
 - c) The Judicial Council has not adopted a form for, nor established guidelines governing, the following: (1) parking citations, (2) arrest/booking reports, and (3) court bail courtesy notices.

Chapter 3 REVISION DATES

3.010. Judicial Council

- a) Periodically, the Judicial Council will adopt revisions of Notice to Appear forms. **Law enforcement must use the revised Notice to Appear form by the effective date of the revised form adopted by the Judicial Council.** (See section 6.030 for exception.) Depending on changes in statutory requirements, effective dates are established to allow law enforcement as much time as possible to deplete any existing supplies of the old form, print and disseminate new forms, and, if necessary, develop new procedures and train personnel regarding the revisions.
- b) The council adopted revised forms TR-115, TR-120, and TR-130, effective September 20, 2005. The council adopted forms TR-100, TR-106, and TR-108 with an effective date of January 1, 2004.

Chapter 4 FORM SPECIFICATIONS

4.010. Required Copies

The arresting officer must prepare the Notice to Appear form, at a minimum, in triplicate for Vehicle Code violations⁹ and in duplicate for all other violations.¹⁰ Before printing Notice to Appear forms, law enforcement agencies should contact their local court to determine if there are any local requirements for the court's case management system.

4.020. Size and Color

The size and color of Notice to Appear copies should conform with the requirements of the courts in which they are filed. The Judicial Council recommends the following minimum size and other form specifications:

- a) A "trim" size of 4 1/4 inches wide and 7 1/2 inches long; 5/8-inch tabs on the top or bottom of the form.
- b) Original (Court's copy) white, 15-pound paper stock. Print head-to-head.
- c) Duplicate (Police agency's copy) pink, 15-pound paper stock. No printing on reverse.
- d) Triplicate (Officer's copy) green, 15-pound paper stock. Print reverse head-to-head.

⁹Per Veh. Code, § 40500(a).

¹⁰Per Pen. Code, § 853.6.

-
- e) Quadruplicate (Defendant's copy) yellow, 20-pound paper stock. Print reverse head-to-head.
 - f) The colors of the "Court's copy" and "Police agency's copy" correspond with rule 1:3-1 of the "Model Rules Governing Procedure in Traffic Cases" adopted by the National Conference of Commissioners on Uniform State Laws.

4.030. Paper Stock

Paper stock for hand-written citations must be pressure sensitive and have a shelf life of at least five years. The citation text must be reproducible on photocopy equipment.

4.040. Serial Numbers

- a) The serial numbers of the form sets must be sequential. There must be no "duplication" of numbers between form sets.
- b) The format of the serial numbers is at the discretion of local law enforcement with the approval of the court.

4.050. Printing Format

- a) A vertical format is required, except for the Proof of Service on form TR-100, which is printed horizontally to facilitate mailing.
- b) All text on the forms must be printed in black ink. All text on citation forms TR-115, TR-120, and TR-130 must have a minimum font size of 6.0. Serial numbers may be printed in red ink. The box for the defendant's signature may be printed in red ink.

4.060. Printing Expenses

The printing of the forms and the associated costs are not the responsibility of the Judicial Council; printing is to be arranged in accordance with local custom.

Chapter 5 VARIATIONS OF MANDATORY LANGUAGE/DATA FIELDS

5.000. In General

Mandatory language and data fields are indicated on examples of Judicial Council-adopted forms by unshaded areas; see section 5.010 for exceptions.

5.010. Permitted Variations

- a) To meet the unique customs and/or needs of local law enforcement agencies and courts, the Judicial Council form permits limited variations in the "time," "place," and "proof of correction certification" data fields, among others. To indicate that variations may be permitted, these data fields are identified by shaded areas. Shading should not appear on printed forms.

-
- b) The California Highway Patrol is permitted to alter the format and location of the fields for the name of the court, court address, and phone number and to add a field for the location of a CHP Inspection Facility on the face of a form TR-130, *Traffic/Nontraffic Notice to Appear* for their form CHP-215X.
 - c) Formatting for the bracketed information that is required in the “Where” field on notice to appear forms may be modified to include information for multiple court locations.

Chapter 6 MANDATORY LANGUAGE/DATA FIELDS

6.000. In General

The mandatory language and data fields vary between the various Notice to Appear forms depending on the purpose of the form. All language and data fields in unshaded areas on the forms are mandatory, even if not discussed below. Mandatory text or data fields of the forms may not be re-worded or omitted, except for references to statutory authorities, which may be abbreviated differently. Electronic Notice to Appear forms may abbreviate terms and have minor alterations to formatting to facilitate printing of forms.

Law enforcement agencies should be aware that if a written Notice to Appear is not prepared on an approved council form, a court may conclude that it does not constitute a complaint to which a defendant may enter a plea. (Veh. Code, § 40513(b).) If a defendant pleads other than “guilty” or “nolo contendere” and the court concludes that the Notice to Appear is defective, it could be necessary to re-file the charges by a formal complaint. (Veh. Code, § 40513(a).)

6.010. Agency Name

The name of the citing agency and jurisdiction must appear near the top of the form.

6.020. Title of Form

The title of the form must be printed near the top of the form.

6.030. Serial Number

- a) A sequential serial number for each multipart set of Notice to Appear forms must appear horizontally near the top right corner of each form.
- b) To facilitate the filing systems of some courts, statewide law enforcement agencies must also print the serial number in the lower right margin of the court’s copy. Statewide law enforcement agencies must comply with this requirement as specified in section 3.010. Local law enforcement agencies must comply with the requirement for the duplication of the serial number in the right margin within one calendar year of a request from a local court.
- c) The serial number may be preprinted on the Notice to Appear.
- d) The serial number on the continuation form must be the same as that on the corresponding Notice to Appear; the duplication of the serial number in the right margin is not required.

-
- e) Bar coding of the serial number permits those courts with bar code readers to improve the timeliness and accuracy of processing Notice to Appear forms. Within the following parameters, the bar coding of the serial number must be placed on the face of the court's copy of the Notice to Appear form:
1. The bar code must appear as near as practical to the bottom of the form.
 2. The bar code should have a 1/4-inch area (quiet zone) that is clear and free of all printing preceding the start character and the following stop character.
 3. Statewide law enforcement agencies must comply with the bar code requirement as specified in section 3.010.
 4. Local law enforcement agencies must comply with the bar code requirement within one calendar year of a request from a local court.

6.040. Misdemeanor Check Box

To facilitate processing, the citing officer must check the misdemeanor box at the top of the Notice to Appear if one of the offenses charged is a misdemeanor. The misdemeanor check box does not appear on the automated traffic enforcement system notice.

6.050. Date and Time

- a) The date and time of the issuance of the Notice to Appear must be indicated near the top of the form.
- b) The "Date of Violation" data field must be: Mo./Day/Yr.
- c) A check box "A.M./P.M." format is provided as an optional field to indicate the time. Indicating the time in the form of "A.M./P.M." is more easily understood by most defendants than the use of the 24 hour clock (military time).

6.060. Defendant's Name

- a) The defendant's name is required on the Notice to Appear.¹¹
- b) The sequence of the defendant's name must be First/Middle/Last. This sequence corresponds with the California Driver License/Identification Card.

6.070. Defendant's Address

- a) The defendant's address must be indicated on the Notice to Appear.¹²
- b) The address must be the defendant's mailing address. The mailing address allows the court to mail a courtesy notice and/or other correspondence to the defendant.
- c) A street address may also be indicated in addition to the mailing address.

¹¹Per Veh. Code, §§ 40500(a), 40518(b) and Pen. Code, § 853.6.

¹²Per Veh. Code, §§ 40500(a), 40518(b) and Pen. Code, § 853.6.

6.071. Defendant's Class and Category of Driver's License

- a) The defendant's class of driver's license may be specified on the Notice to Appear.
- b) Notice to Appear forms TR-115 and TR-130 must specify whether the defendant's driver's license is a commercial driver's license.

6.080. Defendant's Age and Birth Date

- a) The defendant's age and birth date is required on the Notice to Appear. The sequence of the birth date must be: Mo./Day/Yr.
- b) The birth date data field is designed to accept a numerical entry.

6.090. Defendant's Physical Description

- a) The defendant's sex, hair, color of eyes, height, and weight are required on the Notice to Appear. See section 8.020 for the policy regarding the defendant's race/ethnicity.
- b) Data fields for the recording of the defendant's physical description are designed to accept the standard abbreviations of physical descriptors.

6.100. Commercial Vehicle

If the vehicle involved in an offense when a notice to appear is issued is a commercial vehicle,¹³ the citing officer must mark the check box within the data field, "COMMERCIAL VEHICLE (Veh. Code, § 15210(b))."

6.110. Hazardous Material

If the vehicle involved in an offense when a notice to appear is issued was transporting hazardous material, the citing officer must mark the check box within the data field, "HAZARDOUS MATERIAL (Veh. Code, § 353)".

6.120 Vehicle Description

The year, make, and body style of the vehicle operated by the defendant at the time of the offense must be indicated on the Notice to Appear.¹⁴

6.130. Financial Responsibility

The officer must write the driver's evidence of financial responsibility on the Notice to Appear.¹⁵ A person issued a Notice to Appear for a violation of this section may submit to the clerk of the court, in person or by mail, written evidence that the driver was in compliance with this section at the time of the citation.

¹³Commercial vehicle is defined in Veh. Code, § 15210(b). The requirement to indicate if offense involves a motor vehicle is per Veh. Code, § 40300.2.

¹⁴Per Veh. Code, § 40500(a).

¹⁵Per Veh. Code, § 16028.

6.140. Name of Registered Owner/Lessee

- a) The Notice to Appear must contain the name of the registered owner or lessee.¹⁶
- b) The name must be indicated on the Notice to Appear in the following sequence: First/Middle/Last.

6.150. Address of the Registered Owner/Lessee

- a) The address of the registered Owner/Lessee must be indicated on the Notice to Appear.¹⁷
- b) The address must be the registered owner's mailing address.

6.160. Correctable Violation Advisement and Check Boxes

- a) Whenever a person is arrested for violations specified in Vehicle Code section 40303.5 and none of the disqualifying conditions set forth in Vehicle Code section 40610(b) exist, and the officer issues a Notice to Appear, the notice must specify the offense charged and note in a form approved by the Judicial Council that the charge will be dismissed upon proof of correction.¹⁸
- b) For offenses identified in Vehicle Code section 40303.5 the citing officer must indicate by marking the appropriate check box whether or not the offense is eligible for dismissal upon proof of timely correction. Marking the "no" box denotes that disqualifying conditions specified in Vehicle Code section 40610(b) exist.
- c) The correctable violation advisement and the check boxes do not appear on the *Automated Traffic Enforcement System* notice.

6.170. Booking Required

The officer may either book the arrested person prior to release, or indicate on the Notice to Appear that the arrested person must be booked before appearing in court.¹⁹ If the "Booking Required" check box is checked on form TR-120 or TR-130, the arresting agency must complete the verification of booking section on the defendant's copy of the form. The "booking required" check box does not appear on the *Automated Traffic Enforcement System* notice.

6.180. Violations

The Notice to Appear must state the offenses charged.²⁰

6.190. Speed

A Notice to Appear charging a speeding violation must specify the approximate speed, prima facie or maximum speed, and any other speed limit exceeded.²¹

¹⁶Per Veh. Code, § 40500(a).

¹⁷Per Veh. Code, § 40500(a).

¹⁸Per Veh. Code, § 40522.

¹⁹Per Pen. Code, § 853.6.

²⁰Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

²¹Per Veh. Code, § 40503.

-
- a) The “safe speed” box is provided so that the officer can indicate a speed different from the maximum or prima facie (posted) speed when the Notice to Appear is prepared charging a violation of the basic speed law (Veh. Code, § 22350). Conditions affecting the safe speed limit should be noted on the Notice to Appear (e.g., fog, rain, etc.).
 - b) When a speed violation is charged, both the approximate speed and the prima facie speed applicable to the street or highway should be indicated.
 - c) Entry of the maximum speed limit pertaining to the particular type of vehicle, or combination of vehicles, is only required if the defendant is cited for exceeding the speed limit for that vehicle.

6.200. Location of Violation

The Notice to Appear must state the location of where the offenses charged occurred.

6.210. Officer’s Declaration on Information and Belief

The officer must indicate on the Notice to Appear (check box) when the offense was not committed in his/her presence and that his/her declaration is on information and belief. A citizen’s complaint is an example of a situation that may result in the officer’s checking the box. The declaration is separate and distinct from the officer’s declaration under penalty of perjury discussed in section 6.220.

6.220. Officer’s Declaration under Penalty of Perjury

The Notice to Appear must contain the officer’s declaration, under penalty of perjury, subscribed by the officer, that the information regarding the violations is true and correct.²²

6.230. Other Officer

The name of the arresting officer, if different from the name of the officer completing the Notice to Appear, must be stated on the Notice to Appear. This policy was adopted to address situations in which there are teams of officers working radar enforcement or aerial patrol. This option is not available on the *Automated Traffic Enforcement System Notice to Appear*. (See section 6.231.)

6.231. Declarant-Automated Traffic Enforcement System Citations

The name of the government agency or law enforcement representative making the declaration, “Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence,” must be stated on the *Automated Traffic Enforcement System Notice to Appear*.

6.240. Defendant’s Signature

To secure release from arrest, the defendant must give his/her written promise to appear.²³ This option does not apply to citations issued for violations recorded by an *Automated Traffic Enforcement System Notice to Appear*.

²²Per Code Civ. Proc., § 2015.5.

²³Per Veh. Code, § 40504 and Pen. Code, § 853.6.

6.250. Time to Appear

- a) The time specified in a Notice to Appear issued for a traffic offense must be a specific date which is at least 21 days after arrest; the court having jurisdiction over the offense charged may authorize the arresting officer to specify on the Notice to Appear that the appearance may be made before the time specified.²⁴
- b) When a Notice to Appear has been issued for a violation recorded by an automated traffic enforcement system, it must be mailed within 15 days of the violation date to the current address of the registered owner of the vehicle on file with the Department of Motor Vehicles, with a certificate of mailing obtained as evidence of service.²⁵ The time to appear must be at least ten days after the Notice to Appear is delivered.²⁶
- c) The time to appear placed on the *Nontraffic Notice to Appear* or on a *Traffic/Nontraffic Notice to Appear* for a nontraffic offense must be at least 10 days after the date of arrest for a nontraffic violation. (Pen. Code, § 853.6.)
- d) In the case of juveniles, the court having jurisdiction over the offense charged may require the arresting officer to indicate on the Notice to Appear “to be notified” rather than a specific date.²⁷

6.260. Place to Appear

The place specified on the Notice to Appear must be one of the following:

- a) Before a magistrate or judge.²⁸
- b) Before a person authorized to receive a deposit of bail.²⁹
- c) Before the juvenile court, juvenile court referee, or juvenile hearing officer.³⁰

6.270. Night Court

If the court identified in the Notice to Appear holds night sessions, the notice must include a statement advising the defendant.³¹

6.280. Legend

The lower left corner of the Notice to Appear forms must denote that the form is a Judicial Council form and specify the council’s form number. On electronic Notice to Appear forms, the approval legend may appear near the top of the form.

²⁴Per Veh. Code, § 40501(a).

²⁵Per Veh. Code, § 40518(a).

²⁶Per Veh. Code, § 40518(b).

²⁷Per Veh. Code, § 40501(b).

²⁸Per Veh. Code, § 40502(a)–(b) and Pen. Code, § 853.6.

²⁹Per Veh. Code, § 40502(c) and Pen. Code, § 853.6.

³⁰Per Veh. Code, § 40502(d).

³¹Per Veh. Code, § 40502(d).

Chapter 7 DISCRETIONARY LANGUAGE/DATA FIELDS

7.000. In General

The discretionary (shaded) areas on the forms (see Appendix) depict language and data fields that are frequently included at the option of the court or law enforcement agency (with the consent of the court in which the Notice to Appear is to be filed).

Because of limited space, not all of the discretionary language and data fields used throughout the state can be shown on the sample forms. The following are narrative descriptions of several discretionary data fields.

7.010. Bail Statement

If the offense is bailable, the magistrate must fix the amount of bail and endorse the following statement on the warrant for arrest.³⁵

BAIL:

The defendant is to be admitted to bail in the sum of ____ dollars.

Judge

Note: The mandatory requirement that the above statement appear on the reverse of the court's copy disrupts the processing of Notice to Appear forms in those automated courts that use the space for cash register validations, automated traffic system notations, and notes of court proceedings. These courts use a separate form when issuing a warrant for arrest. For those reasons, the warrant for arrest statement is now discretionary.

7.020. Defendant's Race/Ethnicity

- a) A specific data field for the defendant's "Race" or "Ethnicity" may be added to the Notice to Appear form. The data field should be located on the same line as other physical descriptors.
- b) The defendant's "Race" or "Ethnicity" may be indicated in the "Other Description" data field.
- c) If the defendant's "Race" or "Ethnicity" is to be indicated, the Judicial Council recommends the use of a single alpha character. Reference: California Department of Justice's Arrest and Disposition Instruction Manual.

7.030. Defendant's Thumbprint

- a) The defendant's thumbprint may be placed on the Notice to Appear in situations in which there is a question in the citing officer's mind as to the true identity of the defendant. The court will then have the option of comparing thumbprints in those cases where the defendant alleges that another person has committed the cited offense.³³

³²Per Pen. Code, § 815(a).

³³Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

-
- b) The Judicial Council recommends that the thumbprint be placed in a one-inch square area located on the reverse of the court's copy in the lower left corner.
 - c) The thumbprint item does not appear on the *Automated Traffic Enforcement System Notice to Appear*.

Chapter 8 PROHIBITED LANGUAGE/DATA FIELDS

8.010. Defendant's Social Security Number

The defendant's social security number must not be indicated on the Notice to Appear, unless the social security number is also the driver license number and/or the defendant holds a commercial driver license.

To protect an individual's civil rights, federal statutes allow a very restricted compulsory use of a person's social security number for the purpose of establishing identity.³⁴

Federal statutes do permit an agency having administrative responsibility for driver license and motor vehicle registration laws to use a person's social security number to establish that person's identity as it relates to the laws within the agency's jurisdiction.³⁵

The California Department of Motor Vehicles requires an individual to disclose his or her social security number in order to obtain a driver license or identification card.³⁶ A number of other states use the individual's social security number as the driver license number.

³⁴Per Public Law 93-579, § 7.

³⁵Per 42 USC § 405, (c)(2)(c)(i)-(iv).

³⁶Per Veh. Code, §§ 1653.5 and 12801.

APPENDIXES OF COUNCIL FORMS

Appendix A *Notice of Correction and Proof of Service*, Form TR-100 1

NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: TELEPHONE:	
PEOPLE OF THE STATE OF CALIFORNIA vs.	
DEFENDANT:	
NOTICE OF CORRECTION AND PROOF OF SERVICE (Vehicle Code, § 40505)	
AMENDING OFFICER NAME/ID NO.:	DEPARTMENT/AGENCY:
CITATION NUMBER:	CASE NUMBER:

1. A *Notice to Appear/Notice to Correct Violation* was issued to you by an officer of this department on *(date)*:

2. The citation issued to you contained an error as indicated by the items checked below. This notice of correction does not affect the validity of the citation or the required court appearance.

Date/time of violation should be _____

Date/time of court appearance should be changed
from _____ to _____

Violation section(s) should be changed
from _____ to _____

Location of violation should be changed
from _____ to _____

Other *(specify)*:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____
(Signature of officer)

Form Adopted for Mandatory Use
Judicial Council of California
TR-100 [Rev. January 1, 2004]

I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place. My business address is:

On (date): _____, I served this Notice of Correction on the parties at the address listed below by depositing it in a sealed envelope, postage prepaid, with the United States Postal Service at (city and state):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Original to Court

(Type or print name)

(SIGNATURE) 

Defendant's Address:

Appendix B *Continuation of Notice to Appear*, Form TR-106

CONTINUATION OF NOTICE TO APPEAR
(Face of Violator's Copy)

<i>(Name of Agency and Jurisdiction)</i>				
CONTINUATION OF NOTICE TO APPEAR			<input type="checkbox"/> MISDEMEANOR	(Citation No.)
<input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic				
Date 1 / /	Time AM PM	Day of Week S M T W T F S	Case No.	
Name (First, Middle, Last) 2				
Veh. Lic. No. or VIN 3 State				
Correctable Violation (Veh. Code, § 40610)				
Yes	No	Code and Section	Description	Misdemeanor or Infraction (Circle)
4 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
5 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
6 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
7 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
8 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
9 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
10 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
11 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
12 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
13 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
14 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
15 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
16 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
17 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
18 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
19 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
20 <input type="checkbox"/>	<input type="checkbox"/>	_____	_____	M
21 <input type="checkbox"/> Violations not committed in my presence, declared on information and belief.				
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct, and a continuation of the enforcement document noted.				
22 _____ Arresting or Citing Officer			Serial No. _____	
23 _____ Date		Name of Arresting Officer, if different from Citing Officer		Serial No. _____
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED. X Signature </div>				
<small>Judicial Council of California Form Rev. 01-01-04 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40650; Pen. Code, § 853.9)</small>				SEE REVERSE TR-108

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

CONTINUATION OF NOTICE TO APEAR
(Reverse of Court Copy)

(Circle one)

RIGHT or LEFT
THUMB PRINT

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

Appendix C *Continuation of Citation*, Form TR-108

CONTINUATION OF CITATION
(Reverse of Court's Copy)

(Circle one)
RIGHT or LEFT
THUMBPRINT

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

Appendix D *Automated Traffic Enforcement System Notice to Appear*, Form TR-115

TRAFFIC NOTICE TO APPEAR
Automated Traffic Enforcement System

(NAME OF AGENCY AND JURISDICTION)									
NOTICE TO APPEAR Automated Traffic Enforcement (Citation No.)									
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week S M T W T F S		Case No.			
Name (First, Middle, Last) 2.									
Address 3.									
City 4.		State			ZIP Code				
Driver Lic. No. 5.		State	Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No		Age	Birth Date / /		
Sex 6.	Hair	Eyes	Height	Weight	Race				
Veh. Lic. No. or VIN 7.		State			<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b)) <input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)				
Yr. of Veh. 8.	Make	Model	Body Style	Color					
Registered Owner or Lessee 9.									
Address 10.									
City 11.		State			ZIP Code				
Code and Section 12.		Description							
Location of Violation at 13.			City/County of Occurrence						
<p><input checked="" type="checkbox"/> Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence.</p> <p>I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.</p>									
Date Issued 14.		Declarant					ID No.		
<p>YOU MUST RESPOND TO THE COURT ON OR BEFORE:</p> <p>15. WHEN: DATE: _____ Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM</p> <p>WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.</p> <p>16. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s]] [Street address[es]] [Phone No.]</p>									
<div style="border: 1px solid black; padding: 5px; display: inline-block; margin: 10px auto; width: 150px;">FPO Barcode</div>									
Judicial Council of California Form Rev. 09-20-05 (Veh. Code, § 40515)								DEFENDANT COPY SEE REVERSE TR-115	

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC NOTICE TO APPEAR
Automated Traffic Enforcement System

IMPORTANT—READ CAREFULLY
<p>This Citation Is Based on Photographic Evidence The vehicle identified on the front was photographed in violation of a traffic signal or sign. You may see the photographs. Contact: _____</p> <p>If you were not driving the vehicle at the time of the violation, contact _____</p>
<p style="text-align: center;">WHAT TO DO</p> <p>You have been issued a citation that charges you with a traffic infraction. You must respond by following one of the procedures below by the date on the front (see "WHEN"). If you do not, you may lose your license to drive, and your money penalties may increase.</p> <p>1. If you do NOT contest the violation</p> <p>a. (Pay the bail amount) (See "BAIL INFORMATION" below) Your bail will be forfeited to the court. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count will be charged to your DMV record for this offense and your insurance may be adversely affected.</p> <p>b. (Traffic school) You may be able to avoid the point count and adverse effect on your insurance by attending traffic school. Contact the court to request traffic school. You must pay the bail amount as a fee, and you may have to pay other fees.</p> <p>2. If you contest the violation (select one)</p> <p>a. (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court by the appearance date to request a court trial on a future date when an officer and witnesses will be present. You will be required to submit the bail amount. You will be given a date for your trial.</p> <p style="text-align: center;">—OR—</p> <p>b. (Trial by written declaration) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court on or before the date on the front and request a trial by written declaration. Submit the bail amount. You will be given forms to allow you to write a statement and submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider all of the evidence at the same time and decide the case.</p>
<p style="text-align: center;">WRITING TO THE COURT</p> <p>If you write to the court, always write the citation number and your driver license number on your letter. Use of certified or registered mail is required. Do not send your copy of the citation. Keep it for your own records.</p>
<p style="text-align: center;">BAIL INFORMATION</p> <p>The "bail" is the amount you must pay or deposit for the charged violation.</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px auto; width: 80%;"> <p>Bail Amount: \$ _____ OR [See enclosed information]</p> </div> <p>Make the check or money order payable to _____. Write the citation number and your driver license number on your check or money order. You may deposit the bail in person, by mail or by phone.</p>
<p style="text-align: center;">NIGHT COURT TRIALS [are] [are NOT] available for this citation.</p>
<p style="text-align: center;">JUVENILES</p> <p>If you are under 18, you must be accompanied by your parent or guardian when you appear in court. Bring this citation and your driver license. You will be notified by the Juvenile Court of your court date. [For additional information, call the Juvenile Traffic Court at: _____]</p>
<p style="text-align: center;">ONLINE INFORMATION</p> <p>You may obtain additional information at [Local Web site: _____]</p>

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

Appendix E *Nontraffic Notice to Appear*, Form TR-120

NONTRAFFIC NOTICE TO APPEAR
(Face of Court's Copy)

(Name of Agency and Jurisdiction)		<input type="checkbox"/> MISDEMEANOR	
NOTICE TO APPEAR		Nontraffic	(Citation No.)
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week S M T W T F S
Case No.			
Name (First, Middle, Last) 2.			
Address 3.			
City 4.		State	ZIP Code
Driver Lic. No. 5.	State	Class	Age
Birth Date / /		<input type="checkbox"/> Juvenile (Phone No.) ()	
Sex 6.	Hair	Eyes	Height
Weight	Race	Other Description	
Code	Ordinance	Description	Misdemeanor or Infraction (Circle) M I
7.			M I
8.			M I
9.			M I
10.			M I
11.			M I
12.			M I
13.			M I
14.			M I
15.			M I
16.			M I
17.			M I
18.			M I
Evidence Seized 19.		<input type="checkbox"/> Booking Required (see reverse)	
Location of Violation(s) 20.		City/County of Occurrence	
Comments 21.			
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief. 22. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.			
Arresting or Citing Officer 23.		Serial No.	to Dates Off
Date 24. / /		Name of Arresting Officer, if different from Citing Officer	Serial No. to Dates Off
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. 25. X Signature			
WHEN: ON OR BEFORE THIS DATE: / /		Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM
27. WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.]			
28. <input type="checkbox"/> To be notified <input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.			
FPO Barcode		DEFENDANT COPY	
Judicial Council of California Form Rev. 09-20-05 (Pen. Code, § 853.9)		SEE REVERSE TR-120	

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR
(Reverse Of Defendant's Copy)

IMPORTANT — READ CAREFULLY

WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE, regardless of the disposition of the original charge. (Pen. Code, § 853.7.)

If "Booking Required" is checked you must appear on a weekday prior to your court date for booking at: _____ between the hours of _____ and _____ and bring the signed verification to your court appearance. Call _____ for more information.

Booking Verification: I declare under penalty of perjury under the laws of the State of California that _____ was booked on _____ Date _____ Officer _____ Serial No. _____

WHAT TO DO

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR
(Reverse Of Court's Copy)

(Circle one)

RIGHT or LEFT
THUMB PRINT

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

Appendix F *Traffic/Nontraffic Notice to Appear*, Form TR-130

Appendix B – Section 40500 of the Vehicle Code

40500. (a) Whenever a person is arrested for any violation of this **code** not declared to be a felony, or for a violation of an ordinance of a city or county relating to traffic offenses and he or she is not immediately taken before a magistrate, as provided in this chapter, the arresting officer shall prepare in triplicate a written notice to appear in court or before a person authorized to receive a deposit of bail, containing the name and address of the person, the license number of his or her **vehicle**, if any, the name and address, when available, of the registered owner or lessee of the **vehicle**, the offense charged and the time and place when and where he or she shall appear. If the arrestee does not have a driver's license or other satisfactory evidence of identity in his or her possession, the officer may require the arrestee to place a right thumbprint, or a left thumbprint or fingerprint if the person has a missing or disfigured right thumb, on the notice to appear. Except for law enforcement purposes relating to the identity of the arrestee, no person or entity may sell, give away, allow the distribution of, include in a database, or create a database with, this print.

(b) The Judicial Council shall prescribe the form of the notice to appear.

(c) Nothing in this section requires the law enforcement agency or the arresting officer issuing the notice to appear to inform any person arrested pursuant to this section of the amount of bail required to be deposited for the offense charged.

(d) Once the arresting officer has prepared the written notice to appear, and has delivered a copy to the arrested person, the officer shall deliver the remaining original and all copies of the notice to appear as provided by Section 40506.

Any person, including the arresting officer and any member of the officer's department or agency, or any peace officer, who alters, conceals, modifies, nullifies, or destroys, or causes to be altered, concealed, modified, nullified, or destroyed, the face side of the remaining original or any copy of a citation that was retained by the officer, for any reason, before it is filed with the magistrate or with a person authorized by the magistrate or judge to receive a deposit of bail, is guilty of a misdemeanor.

If, after an arrested person has signed and received a copy of a notice to appear, the arresting officer or other officer of the issuing agency, determines that, in the interest of justice, the citation or notice should be dismissed, the arresting agency may recommend, in writing, to the magistrate or judge that the case be dismissed. The recommendation shall cite the reasons for the recommendation and be filed with the court. If the magistrate or judge makes a finding that there are grounds for dismissal, the finding shall be entered on the record and the infraction or misdemeanor dismissed. Under no circumstances shall a personal relationship with any officer, public official, or law enforcement agency be grounds for dismissal.

(e) (1) A person contesting a charge by claiming under penalty of perjury not to be the person issued the notice to appear may choose to submit a right thumbprint, or a left thumbprint if the person has a missing or disfigured right thumb, to the issuing court through his or her local law enforcement agency for comparison with the one placed on the notice to appear. A local law enforcement agency providing this service may charge the requester no more than the actual costs. The issuing court may refer the thumbprint submitted and the notice to appear to the prosecuting attorney for comparison of the thumbprints. When there is no thumbprint or fingerprint on the notice to appear, or when the comparison of thumbprints is inconclusive, the court shall refer the notice to appear or copy thereof back to the issuing agency for further investigation, unless the court determines that referral is not in the interest of justice.

(2) Upon initiation of the investigation or comparison process by referral of the court, the court shall continue the case and the speedy trial period shall be tolled for 45 days.

(3) Upon receipt of the issuing agency's or prosecuting attorney's response, the court may make a finding of factual innocence pursuant to Section 530.6 of the Penal **Code** if the court determines that there is insufficient evidence that the person cited is the person charged and shall immediately notify the Department of Motor Vehicles of its determination. If the Department of Motor Vehicles determines the citation or citations in question formed the basis of a suspension or revocation of the person's driving privilege, the department shall immediately set aside the action.

(4) If the prosecuting attorney or issuing agency fails to respond to a court referral within 45 days, the court shall make a finding of factual innocence pursuant to Section 530.6 of the Penal **Code**, unless the court determines that a finding of factual innocence is not in the interest of justice.

(5) The citation or notice to appear may be held by the prosecuting attorney or issuing agency for future adjudication should the arrestee who received the citation or notice to appear be found.

Appendix C – Perception Survey – Traffic Citation Processing

PAGE: 1

1. What is your current classification?		Create Chart	Download
		Response Percent	Response Count
Courtroom Clerk		21.0%	21
Courtroom Clerk Supervisor		4.0%	4
Courtroom Manager		1.0%	1
Legal Processing Specialist		54.0%	54
Legal Processing Specialist Supervisor		7.0%	7
Case Processing Manager		0.0%	0
Training Procedure Specialist		4.0%	4
Program Coordinator Specialist		2.0%	2
Office Assistant		1.0%	1
Analyst		1.0%	1
Other		5.0%	5
		answered question	100
		skipped question	0

2. How many years have you worked for the Orange County Superior Court?		Create Chart	Download
		Response Percent	Response Count
0 - 5 Years		30.0%	30
6 - 10 Years		16.0%	16
11 - 20 Years		34.0%	34
21 or More		20.0%	20
		answered question	100
		skipped question	0

Survey Monkey - Perception Survey – Traffic Citation Processing

3. Historically, citations filed with the court by law enforcement may contain errors and/or omissions. Should the court be responsible for "reviewing" citations to identify errors and/or omissions? [Create Chart](#) [Download](#)

		Response Percent	Response Count
Yes, the court should review all fields on the citation for completeness and accuracy.		18.0%	18
Yes, however, the court should only review for fields required for entry into Vision.		48.0%	48
No, the court should not be responsible for reviewing citations.		34.0%	34
		answered question	100
		skipped question	0

4. What party benefits from the "review" of citations for accuracy and elimination of errors?

[Create Chart](#) [Download](#)

		Response Percent	Response Count
Law Enforcement		23.0%	23
Defendant		25.0%	25
Other		52.0%	52
		Other (please specify) Show Responses	54
		answered question	100
		skipped question	0

Survey Monkey - Perception Survey – Traffic Citation Processing

5. If the public was aware of the court's practice of "reviewing" citations, [Create Chart](#) [Download](#)
do you think this would have a negative impact on the public's perception of the courts as being fair and impartial?

	Response Percent	Response Count
Yes	 41.0%	41
No	 59.0%	59
	Comment Show Responses	36
	answered question	100
	skipped question	0

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