


NORTHAMPTON POLICE DEPARTMENT Administration & Operations Manual		
Policy: Use of City Non-Criminal Citations		AOM: O-112
Massachusetts Police Accreditation Standards Referenced: [1.2.6]		Issuing Authority <hr/> Jody Kasper Chief of Police
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I. Introductory Discussion

The City of Northampton accepted the provisions of Chapter 40, Section 21D of the Massachusetts General Laws, allowing the issuance of non-criminal citations for violations of city ordinances. These provisions are incorporated in Sections 25-3 through 25-5 of Chapter 25 of the Code of Ordinances for the City of Northampton. This ordinance provides city enforcement officials, including police officers with the option of dealing with city ordinance violations non-criminally, instead of criminally.

II. Policy

- A. Non-criminal citations can be used in lieu of requesting criminal complaints for city ordinance violations when appropriate. [1.2.6]
- B. Additionally, non-criminal citations can be used by the Animal Control Officer for violations of Chapter 5 of the Code of Ordinances.

III. Procedures

A. Administration of the Non-criminal Citation Process

1. The department's Court Administrator shall be responsible for the administration of the non-criminal citation process. This shall include:
 - a. Receiving and delivering the *City Clerk's Copy* and *Court Copy* of each citation issued to the Office of the City Clerk and the Office of the District Court Clerk Magistrate, respectively.
 - b. Receiving the *Serving Officer's Copy* of each citation issued and maintaining a file of same.
 - c. Representing the department at magistrate hearings requested by offenders to whom citations were issued.
 - d. Obtaining from the Office of the City Clerk certified copies of violated city ordinances for magistrate hearings.
 - e. Notifying the City Clerk by phone that a criminal complaint is being sought when a citation fine is not paid within 21 days.
 - f. Notifying the City Clerk of the disposition of any show cause or criminal hearing originating from a non-criminal citation.

B. Duties of the Issuing Officer

1. Filling out the citation with all relevant information, including the section and description of the ordinance violated, as well as the fine for the offense.
2. Requesting the offender to sign the citation in acknowledgement of its receipt.
3. If a violator refuses to sign a citation, a written notation must be made in the incident report.
4. Giving the *Violator's Copy* of the citation to the violator in person.
5. Informing the violator that their alternatives can be found on the citation.
6. If the citation cannot be given directly to the violator, causing the *Violator's Copy* of the citation to be mailed to the violator within 15 days of the violation.
7. Requesting show cause hearings for criminal complaints on the *Request to Clerk-Magistrate for Show Cause Hearing for Criminal Complaint* form when citation fines are not paid within 21 days of the date of citation issue. If the violator is a juvenile (under 18 years of age), the request must be made to the Juvenile Court;
8. If a citation must be mailed, Records will return the certified mail receipt to the Court Administrator.
9. Completing a *Report on Citation Voiding* form and submit it to the officer-in-charge whenever a citation is voided.

C. Duties of the Officer-in-Charge on Duty

1. Assigning non-criminal citations or citations books to police officers and recording their assignment in the *Non-criminal Citation Assignment Log*.
2. Insuring that the *City Clerk's*, *Court* and *Serving Officer's Copies* of all citations issued, as well as any *Certificates of Service or Mailing* are turned over to the court officer.

3. Reviewing and approving *Reports on Citation Voiding* and forwarding them to the court officer.
4. Obtaining from the City Clerk and maintaining a supply of non-criminal citation books;
5. Maintaining a *Departmental Citation Log* and entering and tracking every citation issued, voided or destroyed;
6. Providing and maintaining the department's Non-Criminal *Citation Assignment Log*.

D. Duties of the Office of the City Clerk

1. Providing the police department with non-criminal citation books.
2. Receiving and maintaining the *City Clerk's Copy* of each citation issued.
3. Receiving payment for violation fines from violators.
4. Notifying the Court Administrator when payments for violation fines are received.
5. Upon request of the Court Administrator, providing a certified copy of any ordinance violation for which a hearing has been requested.