

Memorandum

City of Lawrence

Police Department

TO: Tom Markus, City Manager
Tarik Khatib, Chief of Police
FROM: Captain Adam Heffley
CC: Toni Wheeler, City Attorney,
Diane Stoddard, Assistant City Manager
Casey Toomay, Assistant City Manager
Brandon McGuire, Assistant to the City Manager
DATE: August 30, 2016
RE: Amended Voided/Dismissed Citation Report

Background

In 2012, the Lawrence Police Department implemented policy in reference to the process by which issued citations are voided and/or dismissed. The policy took effect August 27, 2012 with the goal of maintaining an accurate accounting for municipal citations issued by officers. A citation is "voided" when the citation was created, printed in error or not warranted for the given situation. The officer retains both printed copies and completes the "void" form to notify the Office of Professional Accountability (OPA) and Municipal Court of the error and the intention to void the citation. A request for "dismissal" form is used when a citation has been issued to a vehicle or person and then the need for dismissal arises at a later time. The "dismissal" form is then completed and presented to a supervisor for approval and submitted to the Municipal Court Prosecutor's office in the same manner.

As the forms are processed through the Records Division, a copy of each is delivered to OPA for retention, auditing purposes, and the yearly report. During a recent review of all materials in response to a records request it, was discovered that many forms had mistakenly been delivered to Municipal Court without proper dissemination to OPA. This specific issue has been addressed and a more frequent auditing process has been put in place to prevent this from occurring in the future. During the audit, a number of forms were also found to have been processed through to Municipal Court without the proper oversight of a supervisor. Each incident was researched by OPA to ensure that the void/dismissal request was within policy. The data below represents the forms submitted for void or dismissal consideration as required in the policy:

Data

2015 Voided Citations

Voided due to equipment malfunction	14
Writing Errors, Duplicate Citations, Violation corrected	100
Charged through District Court	21
TOTAL:	135

2015 Request for Dismissals

Charged through District Court	13
Dismissed due to equip. malfunction	4
Duplicated citation on single violation, Violation corrected	14
Error in writing (omitted ordinance), No probable cause to support citation	20
All other (Described below)	3
TOTAL:	54

Discussion

This year the data appears to show a substantial number of voided and dismissed citation requests created in response to "writing errors", "duplicate citations", and incidents in which the "violation was corrected" while the issuer was still on scene. Two prevalent examples of violations that are corrected are an illegally parked vehicle which is moved while the issuer is producing the citation and when the driver of a vehicle is able to locate valid insurance during the traffic stop. There were also a large number of citation voids requested due to "duplicate citations" being issued. This commonly occurs when a parking citation is produced by a patrol officer and it is then discovered that the vehicle had already been cited. Next, several citations were voided or dismissed in order to facilitate the charging of the incident through District Court after more information was gained. At the time of citation production, if any data entry error or mistake is made, the Void/Dismissal process must be initiated to correct it. In most cases when a writing error or equipment malfunction occurs, an officer will then issue a correctly produced citation using the next citation number. This creates the needed balance to ensure that the policy is adhered to and quality oversight of the process is in place.

Three citation dismissal requests were listed in the "all other" category in 2015. Two dismissals were requested in reference to citations issued to drivers during medical emergency events. The officers were unaware of the circumstances at the time, but later requested the dismissal after the fact. The third request was made for a parking citation that was issued to a subject attending a funeral who reportedly had not seen the restricted parking signs due to conditions on the day of the event.

The void/dismissal process in place was designed to require procedural steps and oversight when requesting a void or dismissal of a citation. This design works well in controlling how, and by who, a citation can be voided or dismissed but requires continuous monitoring to ensure the process is being followed correctly.

Changes to Policy

During the audit this spring, staff discovered many instances of employees using the incorrect form for the situation. There was also some gaps identified as related to timely review by supervision. To avoid future confusion, the following changes have been implemented:

- A new single void/dismissal form has been created to reduce confusion caused by having two separate ones.
- Regardless of whether the request is for a "void" or "dismissal", the request will have two levels of review. The first will be at the supervisory level and then

ultimately all requests will be reviewed and subject to approval by the City Prosecutor's Office.

- The policy will be reviewed annually by all staff.

Captain Adam Heffley
Information Services Division