

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 3 - LAW ENFORCEMENT
GENERAL ORDER

July 27, 2017
INDEX NO. 3.13

CITATIONS

I. PURPOSE

The purpose of this General Order is to establish a policy regarding the issuance of citations by all sworn personnel of the Bay City Department of Public Safety.

II. DEFINITIONS

A. Delayed issuance of a Traffic Citation - Any citation that is not issued immediately after an observed traffic violation (i.e. an officer witness).

B. E-Ticket - A citation created electronically using Iyetek software.

III. E-TICKETING PROGRAM

A. Utilize the Iyetek E-Ticket program on the vehicle laptop.

1. Log onto Talon and choose the E-Ticket button.
2. You may also log onto Iyetek using the icon on the desktop.
3. Fill in the appropriate areas. The program will not allow a ticket to be finalized without the mandatory information entered.
4. When issuing a ticket at a traffic crash, an offense with the phrase “w/accident” must be used for court purposes.

B. Paper tickets are not to be used with the following exceptions:

1. The laptop is down or the site is not working.
2. Special events with large crowds (e.g. Fireworks)
3. Mass ticketing incident (e.g. MIP party) when using the laptop is not feasible. This needs to be approved by a supervisor.
4. School Resource Officers issuing MIP tickets at the schools.

C. Contact a supervisor if a ticket needs to be voided.

D. If a ticket needs to be amended, it must be voided and re-issued.

E. If both a civil infraction and misdemeanor are issued on the same ticket, remember to print both copies. The instructions for how to respond to the tickets are different for civil infractions and misdemeanors.

F. Use care when filling out the proper violations. Once a ticket has been printed, the information is sent to the 74th District Court and cannot be amended. It will have to be voided and re-issued.

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G. The complaint number at the top of the ticket needs to be entered when a misdemeanor citation is issued. Use the format 17-01234.

H. For misdemeanors that do not require complaint numbers, use 00-00000.

IV. GENERAL GUIDELINES FOR COMPLETING CITATION

A. Use the IyeTicket software

B. Fill in all boxes as completely as possible

C. Juveniles

1. Misdemeanor charges go to Probate Court.
2. Civil Infractions go to District Court.

D. State Statute vs. City Ordinance

1. For multiple violations, if one is written under city ordinance, all should be written under city ordinance.
2. For multiple violations, if one is written under state law, all should be written under state law.
3. Whenever possible, do not mix city and state charges.

E. Traffic vs. Non-traffic

1. Cannot be issued on the same citation.
2. Issue two separate citations.

F. Misdemeanor vs. Civil Infraction

1. Misdemeanors and civil infractions can be issued on the same citation as long as you are not mixing traffic with non-traffic violations.
2. Do not fill out the box labeled "race" on any civil infraction citation.

V. ISSUANCE

A. Always give courtesy and respect to the violator, not a lecture.

B. Make certain you are giving the violator the proper copy of the citation.

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- C. Explain the proper time frame to appear.
 - 1. After three, but within fourteen days on all citations except:
 - a. When an arrest has been made. Mark “Lodged” in the appearance section and give a date 21 days from the issue date.
 - b. Out-of-state drivers.
 - c. In the case of a Minor In Possession of Tobacco where the subject is 17 years old, the subject must appear in Probate Court on Thursday at 3:00 PM no less than one week after the issuance of the citation.
 - d. In the case of a Minor In Possession of Tobacco where the subject is 16 years old or younger, write “Court will contact” in the appearance section.
 - 2. Court appearances are mandatory for the following:
 - a. All misdemeanor violations, both traffic and non-traffic related.
 - b. Violators must report (in person) to District Court Monday thru Friday at 10:30 AM (give a specific date 21 days from the issue date).
- D. Explain how and where to respond to the citation.

VI. OUT-OF-STATE DRIVERS

- A. Traffic Violation
 - 1. The violator must be a resident of another state.
 - 2. The violator must have a valid operator’s license from another state.
 - 3. Check the violator’s Michigan status. If they are suspended, denied or revoked in Michigan, this supersedes out-of-state status.
- B. Civil Infraction
 - 1. During regular court working hours, the violator may be taken to court to appear in front of the magistrate for a hearing.
 - 2. When the court is closed:
 - a. The officer may take the violator’s operator’s license and issue the appropriate civil infraction citation.
 - i. The license must be delivered to the court within 48 hours of confiscation.
 - ii. The citation acts as the receipt for the violator’s operator’s license.
 - b. The officer may accept a guaranteed appearance certificate that has been issued by an insurance company and issue the appropriate civil infraction citation.

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- c. The officer may accept a cash bond and issue the appropriate civil infraction citation.
 - i. May accept a cash bond of up to \$100.
 - ii. May only accept less with supervisor approval.
 - iii. Fill in the bond amount on the citation.
 - iv. Place a copy of the citation and the cash in an envelope.
 - v. Place the sealed envelope in the mail slot for the Identification Office.

- C. Misdemeanor Violation
 - 1. If the court is open, the officer shall contact District Court to determine if an immediate hearing is possible.
 - 2. If the court is not open or an immediate hearing is not possible, the officer may accept a cash bond or guaranteed appearance certificate and issue the appropriate misdemeanor citation.
 - 3. If the violator does not have cash for the bond or a guaranteed appearance certificate, the violator shall be lodged on the misdemeanor violation.
 - 4. The officer cannot accept the violator's operator's license in lieu of bond.

- D. Violator without a License or No License in Possession
 - 1. The violator shall be arrested.
 - 2. If the court is open, the violator shall be taken to the magistrate.
 - 3. If the court is not open, the violator shall be lodged.

VII. DISPOSITION OF CITATION

- A. Make your notes in the officer's notes section of the E-Ticket. Check boxes for road, traffic, light and weather conditions. NOTE: Officers Field Notes are subject to the Freedom of Information Act.

- B. Complete an original report for misdemeanor charges when applicable (e.g. OWI, Improper Plate, Reckless Driving, No Insurance, DWLS, MIP, Open Intoxicants, Loud Music, Disorderly, Willful Trespass, etc.).

VIII. POLICY REGARDING DELAYED ISSUANCE OF A CITATION

- A. Officers have discretion on whether or not to issue a citation on scene to someone for a violation of state law, county ordinance, and / or city ordinance during the course of an investigation.

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- B. Officers who wish to issue a delayed traffic citation for any reason after an incident has been resolved must discuss the circumstances involving the traffic violation and why a delayed issuance of a traffic citation is warranted with an on-duty supervisor prior to the traffic citation being issued. Once enforcement action is approved by the supervisor, the citation may be issued in person or by mail. This includes, but is not limited to, traffic stops, dispatched calls, self-initiated activities, and traffic crashes.

By order of:


Michael J. Cecchini
Public Safety Director