

## **BLOOMINGTON POLICE DEPARTMENT**

### **STANDARD OPERATING PROCEDURE**

#### **VOIDING OR DISMISSING AN ISSUED ILLINOIS UNIFORM TRAFFIC CITATION**

Reviewed by: Lt. Joseph Butcher	Effective Date: July 1, 2005
Authorized by: Asst. Chief Randall McKinley	Revision Date: September 17, 2008

An Illinois Traffic Citation is an allegation of a violation of a state statute. Once an arrest has been made and a citation has been issued, appellate court decisions state that police officers may not withdraw, void, or excuse a traffic citation for any reason other than those listed below.

Under certain circumstances a traffic violation meeting the following criteria may be withdrawn if voided or excused only for the following reasons:

1. When the traffic ticket is lacking information or has incorrect data amounting to a fatal defect in court.
2. If a ticket is erroneously issued contrary to or in mistake of the provisions of law or ordinance.
3. When a ticket has been issued contrary to department enforcement policy or procedure.
4. When a command officer believes the ticket should be withdrawn in the interest of justice.

Dismissal, voiding, canceling, changing to warning or compliance, or otherwise acting upon traffic violation tickets to allow the recipient to avoid prosecution on that charge for any other reason or circumstance not previously described must have the approval of the Assistant Chief of Operations, the Assistant Chief of Administration or the Police Chief, after a written request by the issuing officer or the officer's immediate supervisor. The Criminal Investigation Division Commander (or his designee) may make these approvals in cases where surveillance or Vice operations are a consideration. This does not prevent an officer from concurring with a prosecuting attorney to dismiss a ticket as part of an open plea bargaining process.

Canceling, voiding, withdrawing, changing to warning, compliance or otherwise acting upon tickets to allow the recipients to avoid prosecution on that charge will in all cases be entirely on a professional approach to the circumstances, as well as the law and the interest of justice. At no time will such actions be taken on the basis of friendship, occupation, influence, or other improper pressures. The guidelines in such a decision whether all other citizens in the same circumstances would or should have their tickets withdrawn, remembering that these laws are enacted for public safety and that police experience demonstrates that enforcement is necessary in order to secure the public's compliance for the public safety.

This policy addition is implemented to assist officers when approached by people requesting assistance with a ticket. The intent is to be fair to all without favoritism. This policy provides the officers with ethical direction.