



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 709 – Misdemeanor Citation Dismissal

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Office(s) with Secondary Responsibilities:	PSC, PNC	Number of Pages:	2
Forms Referenced in Procedure:	None	Related Procedures:	None

.01 INTRODUCTION

This procedure provides guidelines for the proper method of requesting the dismissal of certain Class C misdemeanor citations when the dismissal is for the purpose of furthering a law enforcement mission or is in the best interest of the Department.

.02 DISCUSSION

The San Antonio Police Department and its members must constantly remain at the forefront of integrity and trust. A perception of "ticket fixing" by members can greatly harm the public's view of the Department. Members are reminded of Rules and Regulations 3.24 which states, in part, "nor shall any member seek the continuance or dismissal of any case on behalf of the defendant in court for any reason."

.03 POLICY

The practice of members requesting misdemeanor citation dismissals is prohibited, unless the requests for dismissals fall within one (1) of the following categories:

- A. The furthering of a law enforcement mission (i.e., confidential informants); or
- B. In the best interest of the Department (i.e., persons receiving parking meter violation notices while providing information or statements on criminal cases to an investigative unit).

.04 TERMINOLOGY *(For specific use within this procedure, see Glossary)*

Misdemeanor Citation

.05 PROCEDURE FOR REQUESTING DISMISSAL

A. Members

1. Submit a written report, stating reasons for requesting the misdemeanor citation dismissal. List all current and past case numbers, when applicable.
2. Hand carry the original report and citation to the Unit Director for approval or disapproval.
3. Any request for misdemeanor citation dismissal that is disapproved may not be appealed to a higher authority.

B. Unit/Shift Directors

1. Review reports for value and approve or disapprove the request;
2. If approved, indicate approval on the report. Approved requests shall be signed, dated, attached to the original citation and hand carried to the Section Commander.



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3. If disapproved, state the reason for disapproval on the report and return the report and citation to the member requesting dismissal.

C. Section Commanders

1. Review reports for value and approve or disapprove the request;
2. If approved, indicate approval on the report. Approved requests shall be signed, dated, and hand carried to the Division Commander.
3. If disapproved, state the reason for disapproval on the report and return the report and citation to the member requesting dismissal.

D. Division Commanders

1. Maintain a log, including copy of request and citation, of all requests for misdemeanor citation dismissals received by their office;
2. Approve or disapprove all requests for misdemeanor citation dismissals;
3. If approved, indicate approval on the report and cause the original report and misdemeanor citation to be hand carried to the Chief Prosecutor of Municipal Court for final disposition. Members presenting dismissal paperwork to the Municipal Court Chief Prosecutor shall request absolute confidentiality in order to protect the identity and personal safety of the defendant in situations where the request furthers a law enforcement mission (i.e., confidential informants).
4. If disapproved, state the reason for disapproval on the report and return the report and citation to the member requesting dismissal.

E. Routing

1. In order to protect the identity and personal safety of the defendant (i.e. confidential informant), members shall route requests for dismissals only to persons directly involved in the process.
2. Members shall refrain from discussing, or in any way revealing, the identity of the defendant with anyone outside of the dismissal process.
3. Paperwork shall be hand carried through each step of the dismissal process.

.06 LIMITATIONS ON MISDEMEANOR CITATION DISMISSALS

- A. Dismissal of a misdemeanor citation for any person that is related to a member (spouse, or related by the whole or half blood) is prohibited.
- B. Dismissal of a parking meter violation notice received by a person being interviewed as part of an investigation is permissible provided;
 1. The person was detained longer than expected by the investigative follow-up unit; and
 2. The person's vehicle was otherwise legally parked.
- C. Members requesting dismissal of misdemeanor citations other than as prescribed by this procedure are subject to disciplinary action.