

# CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL:

POLICE

Subject: DISMISSAL OR INTERCESSION IN COURT CASES

## INTRODUCTION

It shall be the policy of the Barstow Police Department that employees shall not contact the court or appointed officials thereof for the purpose of securing a dismissal or penalty reduction on a compliant, citation, or a juvenile petition. Should circumstances arise that warrant a dismissal or intercession in court cases, such action will be administered by the Office of the Chief of Police through the following procedures.

## PROCEDURE

### 1. Request by Employee

Upon receipt of an office memorandum from an employee requesting the dismissal of or intercession in any court case, inclusive of any citation or complaint, both criminal and/or traffic in nature, the Division Commander shall review the memorandum to determine that background information on the request is pertinent to the case. The memorandum shall contain a clear, concise statement which explains the request. Such request may be based on the following:

- a. The issuing officer was mistaken in his judgment of the alleged violation;
- b. Emergency conditions necessitated that the issuing officer curtail issuance;
- c. Based upon the opinion of the issuing officer's supervision, the interest of justice would best be served by voiding the citation.

Upon approval, the Division Commander shall initiate a "Request for Dismissal/Intercession in Court Cases" form and forward it with the memorandum to the Office of the Chief of Police.

### 2. Request by Citizen or Other Employee

A citizen or representative of another agency requesting dismissal or intercession will be required to submit in writing information pertinent to the request and a clear, concise statement of explanation.

#### Reference:

Effective Date  
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### 3. Denial of Request

*After evaluation of the request, if the Chief of Police determines that the reasons given are not sufficient to justify intervention, the employee or other person making the request will be so advised.*

*Documentation will be forwarded to the Records Bureau and filed for future reference.*

### 4. Approval of Request

*After approval of request by the Chief of Police, a letter of request for dismissal or intercession will be sent by him to the appropriate court or appointed official having jurisdiction; i.e., Judge, District Attorney, etc.*

*Upon approval or disapproval by the appropriate court or official, notification will be made to the employee or person making the original request.*

*The disposition will be recorded and kept on file by the Records Bureau along with copies of the reports and a copy of the original request for that period of time as is required by the Police Department purging guidelines.*

### DEFINITION

*For the purpose of this General Order, a "court case" shall consist of any case in which a signature has been affixed to a complaint, traffic citation, or application for petition to Juvenile Court by an officer or other person, and also any other cases or matters in which action is pending by the District Attorney's Office or court as a result of an arrest or investigation having been initiated.*

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