

BLOOMINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

VOIDING OR DISMISSING AN ISSUED ILLINOIS UNIFORM TRAFFIC CITATION

Reviewed by: Assistant Chief Chad Wamsley	Effective Date: July 1, 2005
Authorized by: Chief Dan Donath	Revision Date: February 13, 2020

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Under certain circumstances a traffic violation meeting the following criteria may be withdrawn if voided or excused only for the following reasons: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 When a command officer believes the ticket should be withdrawn in the interest of justice.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 a citation to a warning or compliance citation, 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 Street Crimes Commander (or their 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.

If a ticket was erroneously issued contrary to or in mistake of the provisions of law or ordinance, the issuing officer will notify the subject in person, and advise them the ticket has been voided. If unable to be done in person, notification of the voided ticket shall be done via letter and sent to the last known address of the subject.

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.