Statement of Purpose:

This procedure outlines the protocol for recovery of the cost occurred by the department from specific types of calls for service.

General Procedure:

- The Atascadero Municipal Code (AMC) was amended to establish procedures for cost recovery for the department’s responses to disturbances.

- In order to effectively track and initiate the cost recovery procedures, a notice of cost recovery or administrative citation form was developed that shall be provided to the responsible party at the disturbance that qualifies for cost recovery.
  
  o There are three levels of administrative citations that may be issued for progressive violations of fines, as noted on the front of the citation, are:

      - $100 for the first citation.
      - $200 for the second citation.
      - $500 for the third and subsequent citations issued for the same violations occurring within one year of the issuance of the first citation.

- The fines are cumulative and administrative citations may be issued for each time and/or day that the violations exist.
A violator has the right to appeal an administrative citation by filing a completed notice of appeal request for hearing form, together with a deposit of the total fine amount indicated on the citation and a detailed written explanation of the grounds for the appeal. The appeal form is obtained and filed at City Hall. The appeal form must be filed within 15 calendar days of the issuance of the citation. If the appeal form is filed properly, City Hall schedules in administrative appeal hearing.

- Failure to comply with the appeal procedures as noted above shall constitute a waiver of the right to an administrative appeal hearing and adjudication of the administrative citation, or any portion thereof, and a waiver of the right to contest the amount of the administrative fine assessed.

- The violator may pay the fine noted on the front of the administrative citation prior to receiving an invoice from the city by mail or in person at the City Of Atascadero, 6907 El Camino Real, CA,93422. Payment should be made by personal check, cashier’s check, or money order, payable to the City of Atascadero. The violator should write the citation number on the face of the check or money order.

- If the administrative citation is not paid or appealed within the allowable time, the violator will receive an invoice from the City of Atascadero Administrative Service Department. The violator should then follow the instructions on the invoice to ensure proper processing of the payment. Payment of the fine shall not excuse the failure to correct this cease of violation nor shall be further enforcement actions by the city of Atascadero.

Instructions on completing the administrative citation

- When responding to an incident that may qualify for cost recovery, motorcycle riding or loud parties, it is the responsibility of the responding officer to ask the dispatch center to research the location for any record of a notice of cost recovery form or administered a citation having provided to a responsible party. If the circumstances meet the criteria for cost recovery under section 9-14.14 of the AMC prior notice having been provided in a second or subsequent police response within the required time frame, the responding officer shall
document the incident with the appropriate report so that the cost recovery can be initiated.

- Confirm the violations such as motorcycle riding is a violation.

- Revise the text of the administrative citation form to indicate 72 hours rather than “12 hours” for a violation to reflect the change in the AMC that occurred subsequent to the printing of administrative citation form.

- Complete the administrative citation with the violator’s personal information.

- Indicate whether the violation is a first, second or third violation. Confirm through dispatch and CAD if there has been previous administrative citations issued on the same violations so that the correct fine can be noted on the face of the citation.

- Complete the violation section and description, referring to the appropriate municipal code.

- For Municipal Code Violations, most commonly encountered by officers, including motorcycle riding violations, the correction date shall be the same date and time as the administrative citation because the violation must cease immediately.

- Sign the administrative citation with your employee number.

- Fill in the due date for the fine, which is 15 days from the date of issuance.

- Have the violator sign the administrative citation. A signature of the violator is not required, but the party should be advised that his/her signature is not an admission of guilt. If the violator refuses to sign the administrative citation, right refused on the signature line on the administrative citation but do not physically arrest the violator for refusal to sign the administrative citation.

- Give the canary copy of the administrative citation to violator.
Submit the white copy of the administrative citation with an appropriate department report, crime incident, and/or supplemental reports, for supervisory approval and for the processing and entry into the system by the Support Service Unit.

Dispatch will forward a photocopy of the crime report, the supplemental report, and the notice of cost recovery administrative citation to the chief of police for billing.

This Standard Operating Procedure was approved and distributed for training by:

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Joe Allen
Commander

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Jerel Haley,
Chief of Police

Attachments: