

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 20

October 5, 2018

SUBJECT: LOS ANGELES POLICE DEPARTMENT NOTICE TO DEFENDANT/PROOF OF SERVICE – ESTABLISHED; AND, LOS ANGELES POLICE DEPARTMENT NOTICE TO DEFENDANT/PROOF OF SERVICE, FORM 04.50.10 – ACTIVATED

PURPOSE: The Specialized Enforcement Section (SES), Traffic Group (TRFG), is responsible for all Citywide commercial enforcement, which includes issuing traffic citations, i.e., Owner's Responsibility (OR), to companies for various commercial vehicle violations. As such, SES is designated as the **only entity** that is responsible for processing and mailing out all OR Traffic Notice to Appear citations. The existing process, which requires generating a separate correspondence for each violator, is cumbersome and time consuming. To expedite the administrative process for OR citations, the Los Angeles Police Department Notice to Defendant/Proof of Service, Form 04.50.10, has been activated. A copy of the citation shall be attached to the Notice to Defendant/Proof of Service and mailed to the defendant.

PROCEDURE:

- I. LOS ANGELES POLICE DEPARTMENT NOTICE TO DEFENDANT/PROOF OF SERVICE – ESTABLISHED.** Department Manual Section 4/320.70, *Los Angeles Police Department Notice to Defendant/Proof of Service*, has been established and is attached.
- II. LOS ANGELES POLICE DEPARTMENT NOTICE TO DEFENDANT/PROOF OF SERVICE, FORM 04.50.10 – ACTIVATED.** The Los Angeles Police Department Notice to Defendant/Proof of Service, Form 04.50.10, has been activated and is attached. This form shall only be completed by SES, TRFG, personnel.
 - A. Use of Form.** This form is restricted for use by the Department's SES, TRFG personnel, only. Department personnel shall not issue, nor lend these forms to non-Department personnel for any purpose.
 - B. Completion.** The completion of this form is self-explanatory.
 - C. Distribution.**
 - 1 - Original, mailed to the violator with the Defendant copy of the Traffic Notice to Appear, Form 04.50.00 (white).
 - 1 - Copy, to the applicable court with the Court copy of the Traffic Notice to Appear (green).


1 - Copy, retained by the administrative section at SES, TRFG.

3 - TOTAL

FORM AVAILABILITY: The Los Angeles Police Department Notice to Defendant/Proof of Service is available in E-Forms on the Department's Local Area Network (LAN). A copy of the form is attached for immediate use and duplication only by personnel assigned to the SES, TRFG.

AMENDMENTS: This Order adds Sections 4/320.70 to the Department Manual. This Order activates the Los Angeles Police Department Notice to Defendant/Proof of Service form. The Organization and Functions Link of the Los Angeles Police Department relative to SES, TRFG, has been updated. The Form Use Link applicable for the Los Angeles Police Department Notice to Defendant/Proof of Service has been updated and is accessible in E-Forms on the Department's LAN.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE
Chief of Police

Attachments

DISTRIBUTION "D"

**DEPARTMENT MANUAL
VOLUME IV**

Established by Administrative Order No. 20, 2018

320.70 LOS ANGELES POLICE DEPARTMENT NOTICE TO DEFENDANT/PROOF OF SERVICE. The Special Enforcement Section (SES), Traffic Group, is responsible for all Citywide commercial enforcement, which includes issuing traffic citations, i.e., Owner's Responsibility (OR), to companies for various commercial vehicle violations. To expedite the administrative process for OR citations, a copy of the citation shall be attached to the Notice to Defendant/Proof of Service and mailed to the defendant. The SES has been designated as the only entity that is responsible for processing and mailing out all OR Traffic Notice to Appear citations. In addition, the Notice to Defendant/Proof of Service shall only be completed by SES, Traffic Group, personnel.

NOTICE TO DEFENDANT

This notice is to advise you that charges against you have been filed with the court as a result of a violation of a law (or laws) of the State of California. This matter is now under the jurisdiction of the court. **Please do not communicate with the Los Angeles Police Department except to obtain proof of correction if required by the Notice to Appear.** Your copy of the Notice to Appear will provide you the information relative to the proper court response. **FAILURE TO APPEAR MAY RESULT IN PRECLUSION OF RENEWAL OF REGISTRATION FOR THE VEHICLE INVOLVED OR ISSUANCE OF A WARRANT FOR ARREST.**

You have been given a date/time. Refer to attached citation.
It is your responsibility to contact that court no later than date/time indicated.
You can expect to receive a notice from the court with all necessary information. If you do not receive notice, contact the court.
You must be accompanied by a parent or guardian when you report to the juvenile court.

CODEFENDANT INFORMATION

As the owner or lessee, the person employing, requesting, causing, directing, or permitting a driver to operate the vehicle(s) described in the Notice to Appear, you should know that California Vehicle Code Section 40001(f) as quoted below, is the only process available to make the driver or other person a codefendant in this matter.

CALIFORNIA VEHICLE CODE SECTION 40001(f)

Whenever the owner, or lessee, or any other person is prosecuted for a violation pursuant to this section, the court may, on the request of the defendant, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. However, the court may make the driver a codefendant only if the driver is the owner or lessee of the vehicle, or the driver is an employee, or a contractor of the defendant who requested the court to make the driver a codefendant. If the codefendant is held solely responsible and found guilty, the court may dismiss the charge against the defendant.

PROOF OF SERVICE

On (Date): _____, I served this Notice to Appear on the parties at the address listed below by mailing it, postage prepaid, in the United States postal mailbox at (address):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____
(Signature)

Original to Court

Defendant's Address:

[_____]