



Policy Name:	VIOLATION TICKETS		
Policy #:	OP 4.36.10	Last Updated:	2024-06-26
Issued By:	COMMUNITY POLICING BUREAU	Approved By:	SURREY POLICE BOARD
Version	2.0	Review Frequency:	AS REQUIRED

RELATED POLICIES

OP 4.36.8 *Towing & Impounding Vehicles*

OP 5.1 *Seized Property*

OP 5.2 *Retention of Property for Court Purposes (Form 5.2)*

1. PURPOSE

1.1. To provide Surrey Police Service (SPS) Members with direction regarding enforcement of provincial offences using Violation Tickets (VTs).

2. SCOPE

2.1. This policy applies to all Members.

3. POLICY

3.1. Members must use VTs to charge persons with Provincial offences that have a voluntary penalty and the circumstances of the offence do not justify a mandatory court appearance. A VT may be used for the enforcement of the following statutes:

- i. *Motor Vehicle Act and Regulations;*
- ii. *Liquor Control and Licensing Act;*
- iii. *Firearms Act;*
- iv. *Wildlife Act;*
- v. *Commercial Transport Act;* and
- vi. *Passenger Transportation Act.*

- 3.2. SPS recognizes the importance of traffic enforcement and the use of VTs to enhance road safety and reduce collisions, injuries, and deaths for all road users.
- 3.3. When Members encounter a situation where multiple traffic offences are observed or contemplated because of a single incident, Members should exercise discretion to determine the appropriate number of charges to recommend. Factors to consider include:
- i. seriousness of the incident(s);
 - ii. age and driving experience of the driver;
 - iii. driving record;
 - iv. whether multiple fines would create an onerous financial burden; and
 - v. whether a warning is expected to be sufficient to correct driving behaviour.
- 3.4. The Superintendent of Motor Vehicles has statutory authority to cancel a Violation Ticket if police provide the Superintendent with written notification within 30 days of service. Additionally, the Superintendent has established a procedure for Members to cancel a Violation Ticket that has been mailed for processing.

4. PROCEDURE

Completing a Violation Ticket

- 4.1. Members must include the following information when completing a VT:
- i. ensure printing is legible;
 - ii. ensure the violator's name, date of birth and other pertinent information is included;
 - iii. check off the appropriate box if the offender is between the ages of 12 and 17 inclusive;
 - iv. include the description of the offence, section number of the Act or Regulation and the indicated penalty (Members do not have discretion to vary the prescribed fine);
 - v. write the PRIME-BC General Occurrence (GO) number on the front top right of the VT, if applicable;
 - vi. ensure the Member's badge number appears in the appropriate place on the face of the VT;
 - vii. complete the Certificate of Service on the reverse of the original copy if the violator did not sign the ticket; and
 - viii. submit the "Insurance Corporation of British Columbia (ICBC)" and "Enforcement Agency" copies of the VT at the end of each shift in the appropriate mail tray.
- 4.2. In cases where property is seized in relation to a VT, Members must obtain an incident number and submit a PRIME-BC GO report. The VT number must also be recorded in the narrative, specifying the circumstance of the seizure and the disposition of property. Members must record the GO number on the front top right of the VT. If property is seized for court purposes, Members must complete a Form 5.2 (see OP 5.1 *Seized Property*; OP 5.2 *Retention of Property for Court Purposes (Form 5.2)*).

- 4.3. If a VT is spoiled, write “spoiled” across the face of the ticket and submit the ticket as required by section 4.1 above.
- 4.4. If a Member writes a VT and then decides to use discretion by issuing a written warning, the Member must write “VOID” diagonally across the complete face of the VT, prior to serving it. The VT will then be submitted to Records Management so it can be entered on PRIME-BC by data entry personnel; however, no copy is to be submitted to ICBC.
- 4.5. VTs must not be used for offences against the registered owners of vehicles unless the registered owner is personally served with the VT.
- 4.6. Members must retain their copy of the VTs and accompanying notes for court and other investigative purposes.
- 4.7. When there is more than one Member present at the commission of a traffic violation, the Member who has all the necessary evidence must serve the VT. The Member will indicate requirement for court by inscribing their badge number first on the VT and circling their badge number. This will indicate that the second Member's evidence is only corroborative. If both Members are required for court (e.g., speed enforcement call set), then both Members' badge numbers must be circled on the VT.

Young Person

- 4.8. If the driver / violator is a Young Person, the Member must indicate so by checking the appropriate box on the VT.
- 4.9. Under the BC *Youth Justice Act* s. 5(2), Members who issue a VT to a Young Person are not to notify the parent or guardian.

Withdrawing a Violation Ticket

- 4.10. VTs may be withdrawn in certain circumstances, such as errors in the document, replacement VT issued, or evidence of personation. Members seeking to withdraw or reduce a VT, within 30 days from the service date, will complete a “Police Cancellation Request for Violation Tickets” form.
 - i. The request will contain:
 - a. the VT number;
 - b. violation date and service date if different from violation date;
 - c. driver's licence number (if possible) and/or name of the alleged offender;
 - d. name of the Act or Regulation, including the section number;
 - e. statement requesting withdrawal of the ticket and reasons why; and
 - f. signature of the Member's Supervisor.
 - ii. the Member must immediately make reasonable attempts to contact the served party to tell the party about the withdrawal.

NOTE: ICBC must receive a withdrawal notice in writing from the issuing Member or Officer in Charge within 30 days of the service date. The Offence Act states that a ticket is deemed guilty if not paid or disputed by the thirtieth day.

- iii. The Member will submit the completed form to ICBC.

NOTE: If the alleged offender has disputed the VT before receiving the cancellation request from the Member, the Member will be notified to make the withdrawal through Court. If the alleged offender has paid the fine before receiving the cancellation request from the Member, ICBC will check for any other outstanding debts owed to ICBC or to Courts before arranging for a refund to be sent to the offender. ICBC has the authority to re-allocate refunds to pay other outstanding debts on the same individual's record.

- iv. After 30 days of the service date, the issuing Member may no longer withdraw a VT.

NOTE: In these cases, the offender may apply to the Court for a hearing to have the ticket removed from the record of convictions, if there is a valid reason for removal.

Driver Identification

4.11. The identification of violators is essential for a successful prosecution. Where applicable, Members must do the following to determine the identification of the violator:

- i. ask the driver to produce their driver's licence;
- ii. compare the likeness of the driver with the driver's licence photo;
- iii. ask the driver if the information on the driver's licence is correct;
- iv. ask the driver for their name and address, and compare with the name and address on the licence; and
- v. ask the driver to state their name (*Regina v. Schryvers*, [1963] 2 C.C.C. 286 (British Columbia Supreme Court)).

4.12. When a violator fails to produce a driver's licence the Member must:

- i. request any other identification in the driver's possession;
- ii. obtain all other pertinent information that will assist in confirming the identification of the driver; and
- iii. record a detailed description of the driver (including scars, marks, and tattoos).

4.13. Where a photo of the driver is not included on the driver's licence the Member must:

- i. read out the name and address on the licence and ask the driver if they are the person named on the licence;

- ii. ask the driver for their name and address, and compare with the name and address on the licence;
- iii. ask the driver “is this your drivers licence?”;
- iv. record a detailed description of the driver (including scars, marks and tattoos); and
- v. If the driver is not the owner of the vehicle and cannot produce registration for the vehicle, the Member should ask for the name and address of the owner and verify the information.

Service to Reluctant Recipients

4.14. Where a violator refuses to accept a VT from the issuing Member, the Member must:

- i. explain the nature of the VT;
- ii. not argue with the person as to whether they should take the VT;
- iii. touch the person with the VT (personal service), then place it under the windshield wiper;
- iv. if there is no vehicle, touch the person with the VT and then drop it on the ground;
- v. if the person is unable to be touched (e.g., refuses to roll the window down) place the VT under the windshield wiper;
- vi. tell the person that if they wish to dispute the ticket, the procedure for doing so is explained on the reverse side of the VT;
- vii. complete the Certificate of Service on the reverse side of the VT; and
- viii. make detailed notes.

Ticket Storage and Retention

4.15. The VT will be retained by SPS for a minimum of two (2) years. However, if the VT is associated with a GO, then the retention period will follow the retention schedule for the GO offence.

E-Ticketing

4.16. Members may use the e-Ticketing module in the Mobile Report Entry (MRE) for issuing certain types of VTs (e.g., *Motor Vehicle Act* offences). Unlike a hard paper VT, a physical printout is no longer considered the legal document for an electronic Violation Ticket (e-VT); the electronic version in the Records Management System (RMS) is the legal record.

4.17. Member use of e-Ticketing module is only allowed after the Member completes training on use of the e-Ticketing module.

4.18. An e-VT can include up to three violations per person. Where Members are using the e-Ticketing module, follow the electronic submission process; no manual submission of hard copies is required to be sent to ICBC, as the electronic record is submitted directly into RMS.

4.19. There is no supplemental ticket function in MRE. If a Member needs to add text pages to an existing e-VT already sent to Records, the Member will need to retrieve the e-VT in RMS.

4.20. If an error is discovered on the e-VT or cancellation of the e-VT is required, the Member must follow the instructions on the e-Ticketing Manual for voiding or cancellation.

APPENDIX A: DEFINITIONS

“GO” means a General Occurrence Report submitted in the PRIME-BC records management system.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“PRIME-BC” means the Police Records Information Management Environment, British Columbia's police records management system.

“SPS” means Surrey Police Service.

“Supervisor” means a Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

“Young Person” means a person who is between 12 and 18 years of age at the time the Young Person is believed to have committed the offence.

APPENDIX B: REFERENCES

Commercial Transport Act, R.S.B.C. 1996, c. 58

Criminal Code, R.S.C. 1985, c. C-46

Firearms Act, R.S.B.C. 1996, c. 14

Liquor Control and Licensing Act, S.B.C. 2015, c. 19

Motor Vehicle Act, R.S.B.C. 1996, c. 318

Motor Vehicle Act Regulations, B.C. Reg. 26/58

Passenger Transportation Act, S.B.C. 2004, c.39

Regina v. Schryvers, [1963] 2 C.C.C. 286 (British Columbia Supreme Court)

Wildlife Act, R.S.B.C. 1996, c. 488

Youth Justice Act, S.B.C. 2003, c. 85