

**SAN DIEGO POLICE DEPARTMENT
ORDER**

DATE/TIME: OCTOBER 23, 2024 1800 HOURS
NUMBER: OR 24-38
SUBJECT: EQUIPMENT VIOLATIONS AND PROOF OF CORRECTION
SIGN-OFF PROCEDURES
SCOPE: ALL SWORN MEMBERS OF THE DEPARTMENT
DEPARTMENT PROCEDURE AFFECTED: 7.01


**I. ISSUANCE OF LOUD OR MODIFIED EXHAUST NOTICE TO APPEAR
CITATIONS PURSUANT TO VEHICLE CODE §§ 27150(a) or 27151(a)**

To address the increasing number of community complaints regarding loud mufflers and exhaust systems, the following procedures shall be implemented:

A. Intentional Modifications:

1. For vehicles with intentionally modified mufflers or exhaust systems (including stock or aftermarket modifications), officers shall require defendants to obtain a MANDATORY Certificate of Compliance from the State Referee.
2. Officers shall check the citation's "CERTIFICATE OF COMPLIANCE REQUIRED" box.


CITATION DETAILS		<input type="checkbox"/> Booking Required (see reverse)	<input type="checkbox"/> State Referee Inspection Required [VC §27156(b)]
Correctable (Fix-It)	Code/Section	Description	<input type="checkbox"/> Certificate of Compliance Required [VC §27150(a)]
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	27150(a) VC	Excessive or Unusual Exhaust Noise	M <input checked="" type="radio"/>
<input type="checkbox"/> Y <input type="checkbox"/> N			M I



3. Optional Indication: The officer may also indicate the Certificate of Compliance requirement on the sign-off boxes on the reverse side of the defendant's copy.

4. The officer shall mark the violation as CORRECTABLE unless it falls within the parameters of Vehicle Code § 40610(b).
5. The officer shall advise the driver of the requirements of Vehicle Code § 24004 (the admonishment is located on the Proof of Correction Information Card.) The officer shall indicate on the citation that the Vehicle Code § 24004 admonishment was provided:

Reason for Stop <input type="checkbox"/> Same as Violation # 1	<i>Driver notified per 2806.5 VC</i>	24004 VC Advisal <input checked="" type="checkbox"/>	23103 Watson Advisal <input type="checkbox"/>
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6. Information Card: Officers shall provide the PD-177B Proof of Correction Information Card, which contains details about the State Referee for modified exhaust/muffler violations (the white information card on the back of the Notice to Appear form).

B. Unintentional Modifications:

For unintentional muffler or exhaust modifications, officers may exercise discretion and not require a Certificate of Compliance from the State Referee, but shall issue the correctable citation and admonish the driver per Vehicle Code § 24004.

1. Examples of unintentional modifications include:
 - a. Defective or eroded exhaust systems or mufflers.
 - b. Exhaust systems or mufflers damaged in collisions.
 - c. Theft of exhaust, catalytic converter, or muffler components.
(Note: If officers cannot determine whether a modification was intentional or unintentional, they should verify if a related crime case has been submitted.)

II. ISSUANCE OF EMISSIONS TAMPERING AND POLLUTION CONTROL DEVICES PCITATIONS PURSUANT TO VEHICLE CODE § 27156(b)

To address intentional tampering and modification of a vehicle’s emissions system and pollution control devices, the following procedures shall be implemented:

A. Modified Emission Violations:

1. For vehicles with tampered or altered pollution control devices (including stock or aftermarket modifications) that are not CARB EO compliant,

officers shall require defendants to obtain a MANDATORY State Referee Inspection.

2. Officers shall check the box "STATE REFEREE INSPECTION REQUIRED" on the citation.

CITATION DETAILS		<input type="checkbox"/> Booking Required (see reverse)	<input checked="" type="checkbox"/> State Referee Inspection Required [VC §27156(b)]
<i>Correctable (Fix-It)</i>	Code/Section	Description	<input type="checkbox"/> Certificate of Compliance Required [VC §27150(a)]
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	27156(b) VC	Modified/Tampered Emissions	M 1
<input type="checkbox"/> Y <input type="checkbox"/> N			M I

3. Optional Indication: The officer may also indicate the Certificate of Compliance requirement on the sign-off boxes on the reverse side of the defendant's copy.
4. The officer shall mark the violation as NOT CORRECTABLE.
 - a. The officer shall advise the driver of the requirements of Vehicle Code § 24004 (the admonishment is located on the Proof of Correction Information Card) as required by Vehicle Code §27156(f). The officer shall indicate on the citation that the Vehicle Code § 24004 admonishment was provided:

Reason for Stop	<input type="checkbox"/> Same as Violation # 1	<i>Driver notified per 2806.5 VC</i>	24004 VC Advisal	23103 Watson Advisal
			<input checked="" type="checkbox"/>	<input type="checkbox"/>

- b. Information Card: Officers shall provide the PD-177B Proof of Correction Information Card, which contains details about the State Referee for modified or tampered pollution control devices (the white information card on the back of the Notice to Appear form).

III. TRAFFIC CITATION – PROOF OF CORRECTION SIGN-OFF PROCEDURES

The following procedures shall be implemented to address fraudulent proof of correction submissions.

A. Verification of Corrections

NOTE: Officers SHALL NOT certify corrections for violations of Vehicle Code § 27156(b) or violations requiring a certificate of compliance for Vehicle Code §§ 27150(a) or 27151(a).

1. To certify (sign-off) any correctable violation as corrected, officers shall:
 - a. Create a CAD Event Number.
 - b. Activate BWC and record the entire contact.
 - c. Visually inspect and, if applicable, confirm corrected violations through available databases.
 - d. Upload a digital photograph of the corrected equipment, via the Axon Capture application, with the CAD Event Number.
 - e. Document the CAD Event Number on the Defendant's Copy of the original citation or any court-issued documentation beneath the corrected violation(s). (Note: Officers SHALL NOT certify violations as corrected on photocopies of citations.)
2. Upon completion of the verification, officers shall document the following on the CAD Event:
 - a. Citation Number(s): List the numbers of the corrected citation(s).
 - b. Issuing Agency: Specify the agency that issued the citation(s).
 - c. Violations Corrected: Indicate the specific violations that have been corrected.

B. Modified Emission Violations:

Officers SHALL NOT certify proof of correction for modified emission violations issued pursuant to Vehicle Code § 27156(b). Defendants must obtain a Certificate of Compliance from the State Referee and submit proof of correction to the court.

C. Citations Requiring a Certificate of Compliance:

Officers SHALL NOT certify proof of correction for citations with the annotation "NO OFFICER SIGN-OFF" or "CERTIFICATE OF COMPLIANCE REQUIRED,". Defendants must obtain a Certificate of Compliance from the State Referee and submit proof of correction to the court.

D. Vehicle Code §§ 27150(a) or 27151(a), if Certificate of Compliance not required:

1. **Only officers assigned to the Traffic Division shall verify and certify proof of correction for violations of Vehicle Code §§ 27150(a) or 27151(a) without a Certificate of Compliance requirement.**
2. When a Traffic Officer verifies and certifies these violations as corrected, the standard proof of correction sign-off procedures shall be followed.

Please read at squad conferences and give a copy to all personnel.