

INSTRUCTIONS FOR COMPLETING THE "CITATION AND COMPLAINT" FORM - L SERIES

Sworn personnel shall adhere to the provisions listed below in issuing a Citation and Complaint.

SPECIAL INSTRUCTIONS, RULES AND REGULATIONS:

1. Personnel shall carefully review the information provided in the Illinois Supreme Court Rules, Article V; and shall adhere to the rules and regulations prescribed therein.
2. Citations shall be issued for traffic and conservation offenses, and other misdemeanor offenses only as authorized by Supreme Court Rules and local court jurisdictions.
3. Citations shall be issued for violations only.
 - a. Requests for nuisance forfeiture of equipment shall be filed on the appropriate forms provided for such purpose.
 - b. Citations shall not be used as "information only" tickets.
4. It is not only of extreme importance that the information provided on the citation be complete and accurate, but also, that the information be PRINTED with enough pressure to read on all six copies. In addition, your PRINTING and SIGNATURE must be LEGIBLE.
5. Unless prior approval has been received from the appropriate Region Commander and States Attorney, an officer shall not delay issuance of a citation by placing it in the mail directing it to an offender's residence or place of business.
6. Upon receiving an "Illinois Conservation Citation and Complaint" book, the Officer shall complete the "Receipt Form" **with all required information including** their ID#, and shall return the completed card to his/her District Sergeant. The District Sergeant shall be responsible for mailing the completed forms of all citation books issued to his/her respective personnel to the Springfield Headquarters within 48 hours of the issuance date. (See Attached) Officers may not have more than three (3) books open at any time.
7. Each "Illinois Conservation Citation and Complaint" number shall be accounted for by the Officer who is issued the book. If a citation is voided:
 - a. All copies of the citation (except the "Report of Conviction" copy, which the Officer may retain, if desired) shall be submitted to the Springfield Office. "VOID" shall be written across the face of the citation, and the Officer shall enter the District of Assignment and his/her name and identification number on the citation. (This information is required in order to void the citation in the computer.) **OR**
 - b. In cases where the actual citation is not available due to loss or other circumstances, a field report must be submitted to the Springfield Office. The field report, at a minimum, must contain the number of the citation(s) to be voided, and the Officer's name, identification number and District of Assignment.

8. Information pertaining to the member states within the Non-Resident Violators Compact, and information pertaining to the list of authorized Bond Certificates for minor traffic offenses are attached.

GENERAL INSTRUCTIONS:

The Illinois Conservation Citation and Complaint shall be completed as follows: *(The items marked with an asterisk * are required to be completed for T.I.P.S. compatibility)*

1. DCN (Document Control Number): Enter if known. (The Document Control Number is the number found on the fingerprint card, or the number assigned to the individual at the time of electronic fingerprinting.)
2. "Case No. _____": Leave blank. (For Circuit Clerk use only.)
- * 3. "District of Assignment": The Officer's assigned geographic District within the Office of Law Enforcement; i.e., Region II, District 2 would read 2. All Command Staff assigned to the Springfield Office and to Region Offices shall use a zero 0.
- * 4. "District of Occurrence": The proper number of the District of the Office is to be located here. Example: A violation which occurs in Sangamon County would have a number 10 in this space.
- * 5. "County of _____": Indicate the name of the county in which the violation occurred.
- * 6. "Department Lands/Body of Water": If the violation occurred either on a Department facility or on any body of water, the name is to be entered here. Note that specific location will be covered later in #9.
- * 7. Defendant Section:
 - * a. "Name": As indicated, in order of Last, First, and Middle Initial. As always, proper identification should be obtained. Must be individual's name, cannot be a business name.
 - b. SID (State Identification Number): Enter if known. (The State Identification Number is assigned to the individual by the Bureau of Identification. If you run an individual's criminal history, they will have one SID, but may have many DCNs - depending upon the number of arrests for which fingerprints were taken.)
 - c. "Address": The appropriate street, P.O. Box, Rural Route, etc. to be indicated here.
 - d. "City-State-ZIP Code": To be noted on this line.

Note: The issuing Officer shall verify with the defendant that the address is correct.

- e. "Driver's License-State": Driver's license number and State of issuance should be completed if appropriate to the violation. Check box if a CDL.
- f. Enter Driver's License expiration date.
- * g. "Eyes, Sex, Hair, Height, Weight, Date of Birth": Every blank shall be completed.
- h. "License, Permit No.": These spaces deal with licenses and/or permits other than driver's licenses (i.e.: hunting, fishing, and trapping licenses, deer permits, commercial licenses or permits pertaining to Conservation Codes, and F.O.I.D.cards). Print in specific type, check "License or Permit No." and record the respective number.
- * 8. "The undersigned states....": Record the date and time of the alleged violation and circle "AM" or "PM".
- 9. Vehicle Section:
 - a. "Registration No. - State-Year - US DOT #": If appropriate, this box is to be completed. Although not mandatory on offenses, it can serve as a useful database for anything from IVC to Wildlife and Boating violations. This item can easily be used for Boat and Snowmobile violations. "Registration Number" refers to the license plate number of a motor vehicle, or to the registration number of a boat or snowmobile. "State and Year" refers to that specific registration number (i.e., the State of issuance and year of expiration). "US DOT #" refers to the number issued to an interstate motor carrier by the US Department of Transportation.
 - b. "Make, Year, Color": This refers to the vehicle itself including boats, snowmobiles, ATV, etc. Properly fill in the make (manufacture), the year (year of manufacture) and the color (if more than one color, list top to bottom, i.e., blue/white).
 - * c. "Ped.-Pass. Car, etc.": The appropriate box should be marked with an "X" to indicate more details surrounding the violation. For example, a violation of no hunting license may involve one of several choices, (i.e.: check box "0" for hunter on foot, box "4" for hunting from a boat, etc.) However, only one box may be checked.
- 10. "Upon a Public Highway...": Deals with the location in which the alleged violation was committed. This shall be recorded as specifically as possible.
- * 11. Violation Section: Enter the Chapter, Act and Section numbers which were violated, and check the appropriate Code Box.

In the case of violations pertaining to "Contributing to Unlawful Activity (Accessory)" or "Parental Responsibility", the offender shall be charged with the primary violation, and the words "Contributing to unlawful activity" or "Parental responsibility" added after the description of the violation in the "Nature of Offense" portion of the citation.

- a. In the case of Administrative Rule violations, "Chapter, Act and Section" should refer to the statute/section implementing the specific Administrative Rule provision violated. Also check the Administrative Rule Box; fill in "Title-Subchapter-Part-Section" of the Administrative Rule provision violated; and check the Code Box from which the Administrative Rule's authority is granted (Wildlife Code, Fish and Aquatic Life Code, etc.).

- If a statutory/section outlines the elements of the specific offense (rather than just authorizing the IDNR to enact Administrative Rules), that statute/section shall be cited. In this case there is no need to refer to the Administrative Rule. For example: There is a statewide limit of 6 bass under 515 ILCS 5/10-5 . If a site has a limit of 4 bass under Administrative Rule 810, and an officer encounters a subject with 7 bass, that subject should be cited for violation of 515 ILCS 5/10-5 - not for violation of the administrative rule. In other words, when the legislature has specifically identified and listed a violation in statute, it takes precedence over those listed within the rules.

- Officers shall no longer cite section 520 ILCS 5/1.4. This is an authorizing section only, that gives the IDNR power to adopt administrative rules. It is not a section that any person or entity, other than the IDNR, can violate. Officers shall instead cite the statute/section that governs the specific species being taken. For example, in the Wildlife Code, deer hunting violations should be cited under 520 ILCS 5/2.24 - 2.26. If there is no specific statute/section that governs how the species may be taken the general "catch-all" section for violations under the Wildlife Code is 520 ILCS 5/2.2 ("Unlawful to take... contrary to this Act") or for site specific violations 520 ILCS 5/2.20 may be used ("Unlawful to take... in any area managed by the IDNR unless in compliance with established rules and regulations"). The "catch-all" section for administrative rules under the Fish and Aquatic Life Code, in instances where there is no specific statute/section governing how a particular species may be taken, is 515 ILCS 5/1-125.

- Officers shall not cite a statute for an Administrative Rule violation that is not listed at the top of the rule in the "Implementing and Authorized by" section. For example, violations of the provisions of Administrative Rule 110 shall not be cited under the Wildlife Code, as the Wildlife Code is not listed as implementing or authorizing that Administrative Rule.

- b. When requesting that civil penalties be assessed officers shall:
1. Check the "Civil Penalty Authorized" box, and check the box indicating the appropriate authorizing statute (515 ILCS 5/20-25 or 520 ILCS 5/3.5), and

2. Enter the amount of civil penalty to be assessed for the offense on the "Civil Penalty \$" blank, and check the box indicating appropriate statute which provides the value equated to the species (515 ILCS 5/5-25 or 520 ILCS 5/2.36a.) Note: In accordance with Supreme Court Rule 551, a court appearance is required for any Conservation offense for which civil penalties are requested. Officers shall, therefore, mark the "Court Appearance Required" and "Civil Penalty Authorized" boxes on the citation, as indicated in #15b, below.
 3. Pursuant to Administrative Rule 640.80b, deer and wild turkey outfitters found guilty of operating without a permit shall be assessed a civil penalty of three times the cost of the original permit (i.e. civil penalties of \$1,500 for resident outfitters and \$7,500 for non-resident outfitters). The only way to collect this civil penalty is through the courts. Thus, whenever citing an outfitter for this violation, officers shall also mark the box indicating civil penalties and enter the appropriate dollar amount. Since this civil penalty is authorized by administrative rule, and not by 520 ILCS 5/3.5, this information needs to be clearly communicated to the State's Attorney.
- c. When entering the "Nature of Offense" you should describe the violation in language closely resembling that of the section violated, so that the violation is clearly defined to prevent the offense from being voided for uncertainty. Example: Exceeding Statutory Speed Limit - 49 mph in a 35 mph zone. On definitions such as "taking" which encompasses shooting, pursuing, hunting, killing, etc. or attempting to do so, you should word the violation in the language which specifically describes the method of taking in lieu of the word "taking" (i.e., did kill a white-tailed deer with a rifle; or attempting to hunt a white-tailed deer with a rifle).
12. Accident Type: Indicate type of accident, if applicable, and enter accident report number, if known.
 - * 13. "Patrol, Complaint, etc.": Indicate the origin of the violation detection by placing an "X" in the appropriate box (ONLY ONE) .
 14. "Property and/or Equipment Seized as Evidence": List any contraband wildlife or property seized as evidence. Property seized must include the make, model and serial number, if available; otherwise, provide a proper description of the item. If more space is needed, use Evidence Inventory Form(s) and refer to same in this space.
 - * 15. "Bond Section": In completing this section, one of the eight boxes must always be checked as discussed below:
 - a. Box #1. "Cash": Check this box if a cash bond was actually taken on this citation and list the actual amount given to the officer. Check whether the actual amount given to the officer is the "Full Amount" of the bond for the offense, or if it is a "10%" application toward the total bond for the offense. (Supreme Court Rule 530 provides for the application of the 10% bail provision to the Article V Rules.)

- b. Box #2. "Illinois Driver's License": Check this box when an Illinois Driver's License is taken in lieu of or in addition to bail amounts in accordance with the provisions of Article V, Section 526.
- c. Box #3. "Bond Card No. (issued by)": Check this box if an approved bond certificate is deposited in lieu of bail, list the bond card number, and enter the name of the issuing company/association. (See Attached)
- d. Box #4. "Bond Posted on Ticket No." Check this box if you have issued multiple citations to a defendant and bond was taken and recorded on another citation. Enter that citation number.
- e. Box #5. "No Bond - (Confined At)": Check this box if no bond was taken and the defendant was incarcerated or confined in a detention center. Enter location where defendant was confined.
- f. Box #6. "Notice to Appear": Check this box if you have issued a Notice to Appear in lieu of executing bonding procedures in accordance with Chapter 720 and the Illinois Supreme Court Rules, Article V. A Notice to Appear may be issued to non-residents.
- g. Box #7. "Promise to Comply": Check this box when executing the provisions of the Non-Resident Violators Compact (NRVC). Residents of other states which are members of the NRVC who are cited for minor traffic offenses (which are non-must appear) must first be given the opportunity to be released without posting bond by signing the promise depicted on the line provided immediately below boxes. (See instructions under paragraph "i" below.)

The only exceptions to the NRVC (625 ILCS 5/6-306.4) and they apply equally to both classes are if (1) the person cannot furnish satisfactory evidence of identity or (2) the police officer has probable cause to believe the person will disregard the written promise to comply with the citation (probable cause can only be determined by the officer through a good faith evaluation in each individual case).

Residents of Illinois, non-residents from states which are not members of the NRVC, and non-residents charged with traffic offenses specified in subsection 6-306.4(b) of the Illinois Vehicle Code shall not be released on a promise to comply, but must post bail or secure release in accordance with the rules depicted in Article V

- h. Box #8. "Individual Bond (Full) Amount \$": Officers authorized by the presiding Circuit Judge of the county to issue individual bonds shall check this box when executing the provisions of Article V, Rule 553. Enter the amount of the individual bond. For Conservation offenses, other than those listed in Article V, Rule 527, this bond amount shall be \$75.00. For those offenses listed in Rule 527, the bond shall be entered as specified within that Rule (\$1,000.00 or \$2000.00).

Individual bonds may be executed by the defendant signing the promise depicted on line provided immediately below the boxes (see instructions under paragraph "i" below)

- i. "Without Admitting Guilt, I promise to comply with the terms of this Ticket and Release": Once the terms of this citation ("Promise to Comply" or "Individual Bond") have been explained and this section has been signed, the defendant is free to go without posting bond.

* 16. "Court Place/Date" Section:

- a. "Court Location and Date": Enter location of Circuit Court for the county in which the alleged violation occurred, and provide the date and time in which the defendant is to respond to the court. (Be extremely careful in circling "a.m./p.m."; and the court date that you set must be between 14 and 60 days from the date of arrest.) Use only a date/time that has been designated by the Court for that county.
- b. For offenses that mandate a court appearance, check the "Court Appearance Required" box. For offenses that do not require a mandatory court appearance, check the "No Court Appearance Required" box. One of these boxes **MUST** be checked.

If assessment of a civil penalty is being requested as outlined in #10b above, the "Court Appearance Required" and "Civil Penalty Authorized" boxes must both be checked.

Information pertaining to this section is provided on the reverse side of the "Violator's Copy" of the citation in a narrative form and can be reviewed in detail in the Supreme Court Rules, Article V.

Note: A mandatory court appearance is required for offenses arising from multiple charges in accordance with Supreme Court Rule 503.

Rule 503(a) Police officers should refrain from issuing multiple citations for offenses arising out of the same occurrence. A person arrested and charged with more than one offense arising out of the same occurrence when the bail is established for each such offense under Rule 526, 527 or 528 shall be released from custody as follows: 1) If bail for each offense is established by Rule 526 and the accused is eligible for release on each charge by a promise to comply ...he or she may elect to be released by executing the written promise to comply on the complaint copy; a court appearance shall be required on each charge. 2) In all other cases, the accused shall be released from custody after posting bail on the charge for which the highest bail is required, and except as provided ..., a court appearance shall be required on each charge. 3) No court appearance shall be required under this rule where all charges are traffic and conservation offenses which may be satisfied without a court appearance under Rule 529 and the accused elects to post separate bail on each such charge.

Per the Administrative Office of the Illinois Courts, I-bonds cannot be substituted as cash bail and used to avoid a court appearance for multiple citations. I-bonds are covered under Rule 553(d) ... which states that they may not be used to secure release when a person elects 503(a)(3) or (4). [503(a)(3) is the section that states that if multiple citations are issued, and none are mandatory court appearances in and of themselves, the individual may elect to post separate bond on each offense to avoid a court appearance.] So, for multiple conservation offenses, the individual would have to post **cash** on each ticket if he/she does not want to go to court.

- * 17. "Date-Signature-I.D. No": Record the date that the citation was issued and be especially careful to make your signature LEGIBLE. Indicate your Office-issued Identification Number, such as #215, immediately following your signature on the line provided

DISPOSITION OF COPIES:

- Complaint Copy: To be forwarded to the Circuit Clerk within 48 hours of the arrest, or as otherwise mandated in Supreme Court Rules, Article V
- Report of Conviction: This is the Officer's copy of the citation, except for motor vehicle violations of the Illinois Vehicle Code, in which case, this copy shall accompany the "Complaint Copy" as discussed in "Complaint Copy" above
- Court Disposition: To be forwarded to the Circuit Clerk along with "Complaint Copy" as discussed above
- Police Record: To be forwarded to your District Sergeant, within 48 hours of the arrest. District Sergeant will forward to Springfield Headquarters within 48 hours of receipt from officer.
- Violator Copy: To be given to the violator as his/her receipt
- Court Communication Copy: To be given to the violator for purpose of notifying Circuit Clerk of intentions to plead guilty or not guilty. (The arresting officer shall explain this copy of the citation to the violator and advise him/her to carefully read the information provided on the reverse side of the "Violator Copy")