


FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT CITATIONS AND WARNINGS/FAULTY EQUIPMENT NOTICES	POLICY NUMBER 17.03
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17.03.01 PURPOSE

To provide guidelines for the issuance and processing of citations and warnings/faulty equipment notices.

17.03.02 AUTHORITY

Section 316.650, Florida Statutes.

Uniform Traffic Citation Procedures Manual of the Division of Motorist Services.

17.03.03 POLICY

It is the policy of the Florida Highway Patrol to provide uniform procedures for the processing and maintaining of records related to citations and warnings/faulty equipment notices.

“It is unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein” (Section 316.650(8), Florida Statutes).

17.03.04 DEFINITIONS

- A. **CITATION** - For the purpose of this policy, citation shall include the Uniform Traffic Citation (HSMV 75901) and the DUI Uniform Traffic Citation (HSMV 75904).
- B. **E-CITATION** - For the purpose of this policy, e-citation shall include the Uniform Traffic Citation (HSMV 75901) and the DUI Uniform Traffic Citation (HSMV 75904) generated using the Mobile Data Computer.
- C. **E-CITATION BOOK** – A predefined set of electronic citation numbers.
- D. **MDC** – Mobile Data Computer.
- E. **TROOP COORDINATOR** – A person appointed by the Troop Commander to coordinate all computer associated information and applications for the Troop.

- F. **APPENDIX C** – A document generated by the Department of Highway Safety and Motor Vehicles as part of the Uniform Traffic Citation Procedures Manual that indicates statute numbers, disposition, fines, etc and is used by TCATS for distribution of the e-citations.
- G. **TCATS-ICD** – Traffic Citation Accounting Transmission System-Interface Control Document.
- H. **TSDR** – Traffic Stop Data Report.
- I. **SPOILED CITATION** - Damaged or soiled citations that are not usable due to appearance or condition.
- J. **UNUSED CITATION** - Any citation(s), including entire books, that have been issued to a member who has subsequently retired, resigned, or been terminated.
- K. **VOIDED CITATION** - Any citation(s) that has been partially or wholly executed and, prior to transmittal to the court of jurisdiction, been determined to be invalid due to error, incorrect information or other lawful reason. Justification for voiding a citation may include, but not be limited to:
 1. When a violator locates his/her driver license, registration or proof of insurance during the initial contact.
 2. When the citation identifies the wrong person.
 3. When the citation identifies the wrong charge.
 4. When incorrect information is entered on the citation.
- L. **AUDIT** – The examination of records and activities to ensure compliance with established controls, policies and operational procedures and to recommend any changes.
- M. **INTERNAL AUDIT** - A methodical examination and review conducted by an entity within the agency but outside the chain of command of the unit to be audited.

17.03.05 RESPONSIBILITIES

- A. Troop Commanders shall implement a system of accountability for the receipt and issuance of all citations. The system shall be established in accordance with the requirements of Section 316.650, Florida Statutes.
- B. Troop Commanders will designate an employee to be responsible for the daily supervision of the system of citation accountability and issuance within the troop or district.
- C. The Chief Technology Officer, or designee shall be responsible for the receipt and distribution of all e-citation books. He/she shall implement a system of accountability for the receipt and issuance of all e-citations. The system shall be established in accordance with the requirements of Section 316.650, Florida Statutes.

17 .03.06 PROCEDURES

A. INSTRUCTIONS FOR COMPLETING CITATIONS, WARNINGS/FAULTY EQUIPMENT NOTICES

In general, these forms are self-explanatory and need minimal instructions. All citations and Warning/Faulty Equipment Notices shall comply with the Appendix C and the TCATS-ICD for data entry on the form.

Hand-written and electronic citations are to be completed in accordance with The Uniform Traffic Citation Procedures Manual available at: <http://www.flhsmv.gov/courts/utc/>.

1. Written Warnings/Faulty Equipment Notices

- a. If the violator has changed his/her name since the issuance of their driver license, the correct name should be entered. Enter the difference in the legal name and that shown on the driver license in parenthesis. For example: Jane Adams (Brooks). The violator's name was Jane Adams, which is on her driver license, while her new name is Jane Adams Brooks. Advise the violator to comply with Section 322.19, Florida Statutes, concerning the change of legal name requirement.
- b. Obtain a physical address (street or road) rather than a Post Office Box, if possible. If the violator presents a Florida driver license and his/her correct address is different than that shown, advise the violator to comply with Section 322.19, Florida Statutes, concerning the change of address requirement.
- c. Make of vehicle - enter manufacturer's name. Example: Ford, Chevrolet, Honda. Do not use model names such as Mustang, Caprice, or Civic. Abbreviations are acceptable.
- d. Violation Section.

Fields that the Written Warning/Faulty Equipment Notice have in common with the citation shall be completed in accordance with instructions for completing the citation. However, the following provisions shall apply to the violation section:

- (1) Faulty Equipment Notice - More than one violation can be shown on the form, but credit for only one faulty equipment notice is received.
 - (2) Written Warning - Only the most serious violation is to be shown and only one warning notice for each warning issued will be recorded.
- e. This combined Written Warning/Faulty Equipment Notice form can be used for one written warning and one faulty equipment notice if both were issued to the same violator.

- f. Upon completion of the traffic stop, the member shall transmit the Written Warning/Faulty Equipment Notice information to the TSDR.

2. Citations

- a. Instructions "a" through "c" on completing the warning/faulty equipment notice also apply to completing the citations.
- b. If more than one charge is made against the same defendant, a separate citation must be completed for each charge.
- c. If the charge is "improper passing" or "violation of right of way," an "X" is to be placed in the appropriate box and the type of violation is to be explained in the comments section.
- d. If the charge is "unlawful speed," the method of speed measurement and any applicable serial number shall be noted in the comments section. If a patrol car's calibrated speedometer is used to obtain an unlawful speed, the patrol car's tag number shall be listed in the comments section. If aircraft is used to obtain an unlawful speed, the stopwatch number and pilot's name shall be listed in the comments section.
- e. For line-by-line instructions, refer to the Uniform Traffic Citation Procedures Manual maintained at:
<http://www.flhsmv.gov/courts/utc/>.
- f. Upon completion of the traffic stop, the member shall transmit the Citation information to the TSDR.

B. PAPER UTC'S, WARNINGS OR FAULTY EQUIPMENT NOTICES

- 1. All Uniform Traffic Citation's (UTC), warnings and faulty equipment notices are required to be entered into the Mobile Forms server on FHP-CADCOMM.
- 2. If a member issues a paper UTC, warning or faulty equipment notice, the member shall manually enter it into the Mobile Forms server on FHP-CADCOMM.
- 3. When a member enters a paper UTC on FHP-CADCOMM it will not be transmitted to the Clerk of Court electronically. The member is required to transmit all paper UTC's to the Clerk of Court manually.

C. DISTRIBUTION

- 1. Warnings/Faulty Equipment Notices.
 - a. Distribution (E-Warnings/Faulty Equipment Notices)
 - (1) An original is to be given to the violator.

- (2) All warnings and faulty equipment notices completed utilizing the Mobile Forms software are to be transmitted to the server upon completion of the traffic stop and violator has left the scene.

b. Distribution (Hand-Written Warnings/Faulty Equipment Notices)

- (1) The original (white copy) shall be issued to the violator.
- (2) The second copy (pink) shall be retained by the issuing member or district, in compliance with local troop/district guidelines.
- (3) The third copy (yellow) shall remain in the Warning/Faulty Equipment Book. Completed books shall be retained at District or Troop Headquarters until a written order of destruction is received from the DHSMV Records Management Section.

2. Citations

a. Distribution (E-Citations)

- (1) The printed Court Complaint copy containing the violator's signature (if the signature is required) shall be transmitted to the traffic violations bureau **within five** days from the issuance to the violator. If your assigned district has a paperless process with the Clerk of the Court, the e-citation will be immediately transmitted after the traffic stop.

In the case of a custodial arrest, attaching the Court Complaint copy to the arrest affidavit to be delivered to the state attorney will satisfy this requirement. However, the citation number(s) should be listed on a Florida Uniform Traffic Citation Transmittal Form (HSMV 75954) with a note made indicating where the court copies are located.

- (2) The Defendant's copy will be given to the defendant at the time the charge is made. Complete instructions for answering to the charge will be given prior to the release of the defendant.
- (3) The Officer copy may be printed and retained by the member, or when requested by the traffic violations bureau, may be transmitted along with the original for referral during later court proceedings.
- (4) Traffic citations completed utilizing the Mobile Forms software are to be transmitted to the server immediately upon completion of the traffic stop or crash and after the violator has left the scene.

b. Distribution (Hand-Written Citations)

- (1) The original Court Complaint copy (white) is transmitted to the traffic violations bureau in accordance with Section 316.650, Florida Statutes.

In the case of a custodial arrest, attaching these copies to the arrest affidavit to be delivered to the state attorney will satisfy this requirement. However, the citation number(s) should be listed on a transmittal form with a note made indicating where the court copies are located.

- (2) The DHSMV Record/DUI copy (green for DUI Citations only) will be transmitted to the local Bureau of Administrative Review along with documentation required to substantiate the administrative suspension.
- (3) The Defendant's copy (yellow) will be given to the defendant at the time the charge is made. Complete instructions for answering to the charge will be given prior to the release of the defendant.
- (4) The DHSMV Record copy (blue) will be submitted according to local district guidelines.
- (5) The Officer/Agency copy (pink) may be retained by the member, or when requested by the traffic violations bureau, may be transmitted along with the original for referral during later court proceedings.

D. ACCOUNTABILITY

1. Accountability (E-Citations)

- a. Citation numbers shall be maintained on the Mobile Forms server and the server shall indicate the trooper's name and the assigned citation numbers.
- b. Members shall be issued citations electronically via their assigned MDC.
- c. Upon the transfer of a member to another troop, the member shall retain their unused e-citations.
- d. Upon separation from the division, the member shall turn in their unused e-citations via their MDC.

2. Accountability (Hand-Written Citations)

- a. Citation books that have not been issued will be kept in a secure location which only supervisory personnel have access.

- b. Members shall inspect the citation books issued to them. The receipts shall be immediately completed and returned to the issuing supervisor.
 - (1) One copy of the completed receipts shall be sent to the Reports and Records Review Section at GHQ on a weekly basis.
 - (2) The other copy shall be retained by the employee responsible for citation accountability.
 - (3) Upon the transfer of a member to another troop, the employee responsible for citation accountability will note "transferred" along with the new location of assignment, the date of the transfer, and the last citation number written in the original troop. A photostatic copy of the receipt will be retained by the employee responsible for citation accountability and the original will be sent to the employee responsible for citation accountability at the new district headquarters.
- c. If a citation is lost or stolen, the member shall immediately notify a supervisor and submit a Voided Uniform Traffic Citation Affidavit of Justification Form (HSMV 61233), available on the SafetyNet forms page, detailing the circumstances of the loss of the citation.
- d. Unused Citations
 - (1) All unused citations will be returned to the employee responsible for citation accountability immediately.
 - (2) The employee responsible for citation accountability will sign each citation.
 - (3) The employee responsible for citation accountability shall write "unused" along with the reason on the front of each citation along with the date of such action and the name and ID number of the member returning the citations.
 - (4) The last copy of each citation will be removed and attached to the receipt at the district headquarters.
 - (5) The balance of the citation book will be forwarded to the Reports and Records Review Section in GHQ.

E. VOIDED CITATIONS

1. Voided Citations (E-Citations)

- a. Any e-citation that has been issued to a violator and transmitted via the MDC to the troop server and later found to contain an error shall be voided by following the same basic procedures as for the "hand written" citation. If the violator's copy of the e-citation has not been retrieved, the e-citation should not be voided until it is retrieved.
- b. Only e-citations that have not been distributed to the courts may be voided (can be done prior to 2AM the date of issuance). Voiding the e-citation will prevent the e-citation from being electronically distributed to the courts (TCATS).
- c. If an e-citation must be voided (charges dismissed) after it has been distributed to the courts, the procedures established by the courts in the County of issuance to have the e-citation dismissed must be followed.
- d. Voiding an e-citation will require completion of the Voided Uniform Traffic Citation Affidavit of Justification. This form can be printed within Mobile Forms and the directions to void an e-citation are available at (copy and paste; no hyperlink available): http://safetynet/FHP/SpecialOps/TC/FHP_Documents/SmartCOP%20Documents/VOIDING%20AN%20E-CITATIONMobileForms.pdf.

2. Voided Citations (Hand-Written Citations)

- a. Any citation that is not being processed through the courts due to being voided or declared spoiled must consist of the original and **all** copies.
- b. The word "VOID" or "SPOILED" will be written on the citation along with the appropriate reason.
- c. The signature line on the citation will be completed by the member.
- d. The Voided Uniform Traffic Citation Affidavit of Justification will be completed and attached to the citation.
- e. The number of any citation issued to a violator to replace the voided or spoiled citation will be noted on the affidavit.
- f. The citation and affidavit will be turned into the immediate supervisor who will verify that the invalidating of the citation was appropriate.
- g. The supervisor will forward the citation and affidavit through the chain of command to the Troop Commander for review.

- h. After review, the Troop Commander will forward the citation and affidavit to the employee responsible for citation accountability for processing.
 - (1) The last copy of the citation will be attached to the appropriate citation book receipt.
 - (2) The balance of all such citations and affidavits shall be forwarded weekly to the Reports and Records Review Section in GHQ.
- F. A periodic audit of citation records and activities will be conducted to ensure citations are properly accounted for.
 - 1. Internal audits will be conducted periodically by members/employees within the Department, but outside the chain of command of the unit to be audited.
 - 2. Audit findings and attendant recommendations shall be forwarded to the Director.

17.03.07 REGULATIONS

- A. Each member is responsible for all citations issued to that member. Members are not to loan or provide citations that are issued to them to any other member or officer of another agency.
- B. Members will only sign and/or issue citations when that member has personally observed the violation, personally conducted the traffic crash or criminal investigation from which the violation arose, stopped a violator at the direction of another law enforcement officer in accordance with Florida Statutes or as instructed by a Judge, State Attorney or other authorized official.