

634 **TRAFFIC CITATIONS (Also see SOP 307)**¹

I. **DISCUSSION:** All Florida law enforcement agencies are required by law to utilize the Florida Uniform Traffic Citation. The citation books are furnished by the Florida Department of Highway Safety and Motor Vehicles. Since the citations are numbered and must be individually accounted for, correct processing and control procedures must be followed.²

II. **PROCEDURE:**

A. Citation Books:

1. Officers will obtain a supply of traffic citations from the Property Section. Citations are issued in books of twenty-five.
2. Officers will sign each assigned book of pre-numbered citations.
3. Officers will issue citations in consecutive numerical order beginning with the lowest number of a citation book for accounting purposes.

B. Citing the Offender:

1. When an officer issues a citation to an offender for a traffic violation, he or she will make certain that all copies are completed accurately and legibly.
 - a. Officers will write the "grid" number of the incident in the upper margin of the citation.
 - b. When a traffic citation has a related report, (e.g., crash or DUI) officers will enter the report number at the top of the citation to the left of the grid number.
 - c. If there is any serious injury in a crash, the officer will write "serious injury," and the section of the citation.
 - d. The officer will explain the terms of the citation, detach the violator's copy (canary yellow), complete the backside of the violator's copy and give it to the offender. A copy of the Hillsborough County Traffic Information sheet will also be provided to the violator.³

¹ CALEA Standard 62.1.7

² CALEA Standard 62.1.8; 82.2.11

³ CALEA Standard 62.1.3(2)

- e. If a traffic offender is a juvenile, the officer will add the names of the parents or guardian on the left margin of the citation.
 - 1) One of his or her parents or a legal guardian must accompany him or her to the Clerk of Court Traffic Division Office and Court specified on the traffic citation, unless the juvenile is married or in the military service.
- 2. When there are witnesses to the traffic violation and the officer wishes the witnesses to appear in court, he or she will write the name, address, zip code, and telephone number in the area designated on TPD Form 99.
- 3. Each officer will instruct the violator that he or she must respond to the citation:
 - a. Within thirty calendar days for civil infractions by appearing at the Hillsborough County Violations Bureau in person to set a court date or pay a fine, or by mailing a money order with a copy of the citation to the Clerk of the Circuit Court Traffic Division.⁴
 - b. Within ten calendar days for criminal traffic violations by appearing at the Hillsborough County Violations Bureau in person or by mailing a copy of the citation along with a self-addressed stamped envelope to the Clerk of the Circuit Court Traffic⁵ Division.
 - c. Persons charged with violations of Florida Statutes 316.2935 or 316.610 will be advised that they must make the necessary repairs and submit the vehicle for inspection to a police or sheriff's department within twenty calendar days from the date of issuance of the traffic citation.⁶
 - 1) They will be advised that they must pay a \$4.00 fee directly to the law enforcement agency before an inspection is made and the affidavit of compliance is completed.

The violator will then have the remainder of thirty calendar days to present the completed affidavit of

⁴ CALEA Standard 62.1.3(3)

⁵ CALEA Standard 62.1.3(1)

⁶ CALEA Standard 62.1.3(4)

- compliance to the Clerk of the Circuit Court Traffic Division for a reduced penalty.
- 2) The \$4.00 fee will be collected at the Information Counter of the Support Services Division, Records Section on Monday through Friday from 8:00 a.m. to 5:00 p.m.
- 3) Payment will be accepted after hours, holidays and weekends at the Support Services Division, Property Room.

C. Accident Cases:⁷

1. In addition to the requirements in paragraph II.B. above, citations issued relative to a traffic crash also require the following in order to assist the courts in issuing subpoenas:
 - a. If the charge is for a criminal violation, and two officers investigate the offense, the citation will be signed by both officers;
 - b. If the charge is a civil infraction, and the violation was not witnessed by the officers, only one officer's signature is required on the citation; and
 - c. Detectives issuing a citation for a referred case shall follow similar guidelines. The detective will sign the citation and ensure that all witnesses are listed properly. Originating officers that did not witness a crash resulting in a civil infraction only will not be listed as witnesses. Subpoenas in the case will then be directed to the detective, who shall respond to the subpoena or comply with paragraph D., below.
2. As required by the courts, officers must properly list as witnesses every competent person in all vehicles involved, in order that they may be subpoenaed.
3. TPD Form 99, a subpoena request form, will be used to request the Violations Bureau to subpoena witnesses not listed on the citation. The form will be attached to the original citation or routed to Violations.

⁷ CALEA Standard 63.1.9

D. Subpoenas Resulting from Traffic Citations:⁸

1. On the cover of each book of traffic citations is a form entitled "Individual Officer Accountability Record." Officers are to utilize this form to note when a citation is issued whether for a traffic crash civil infraction or criminal violation. This will allow easy reference when the officer receives a subpoena.
2. Upon receipt of a traffic court subpoena, officers will refer to the Accountability Record and determine if the case is a civil infraction arising from a traffic crash, which the officer did not witness.
 - a. If so, the officer will not have to appear in court through an agreement with the traffic judges.
 - b. In order to be relieved of the responsibility of appearing in court, officers must obtain a copy of the crash report and a pre-printed memo available in the District Administrative CSO's offices.

The memo must be completed, attached to the report copy and the subpoena, and submitted to the officer's supervisor. The supervisor will ensure that the memo will arrive in the CSO's office at least two week days prior to the court date, Sunday, Saturday, and holidays excluded. Supervisors of divisions other than a Uniform District will forward them to the District I Administrative CSO within the prescribed time limits.

 - 1) Upon receipt of subpoenas delivered in this fashion, the Administrative CSO's will deliver them to the deputy clerk of violations who will place them in the applicable court file.
3. Should an officer fail to follow this procedure in a timely manner, he or she must appear in person in court.

E. Processing Completed Citations:

1. During, or upon completion of, the officer's tour of duty, the officer will submit to his or her supervisor those citations issued during that shift, including any blue copies when the traffic offender was incarcerated.

⁸ CALEA Standard 42.1.20

2. After editing the citations, the supervisor will ensure the citations are processed in the following manner:
 - a. The citations will be delivered to a predetermined central location;
 - b. The officer designated by the shift or bureau commander will put the citations in order by individual officer and in the order in which issued. The officer in District II will deliver the citations to District I.
 - c. The citations will be placed in a clearly marked location in the front office in District I.
 - d. The Records Clerk assigned to process citations for the day will go to District I to obtain all citations.
 - e. The citations will be scanned on a daily basis in the Records/Analytical Bureau and the court copies of the citations, along with the transmittal sheet, will then be delivered back to District I.
 - f. The officer designated by the shift or bureau commander will then deliver the white citation copies, along with the transmittal sheet, to the clerk of the court.
 - g. The Records supervisor will ensure that the blue copy of the citation is mailed to DHSMV by the end of the day.

F. Accounting for Citations, Destroyed, Lost, Damaged Beyond Use, or Voided:

1. To accomplish this, officers will complete the Destroyed, Lost or Damaged Affidavit and write "void" on the blue copy of the citation (if available), and deliver them to their immediate supervisor.
 - a. Any remaining copies will be destroyed.
2. Supervisors will evaluate the affidavit (TPD 425), take necessary action as indicated by the explanation, and sign both copies of the affidavit. Any citations so voided will have the numbers listed on the transmittal form. All voided citation numbers should be on a separate transmittal form and not with the valid listed citations and routed daily to the Information Counter officer.

3. The Information Counter officer will deliver the affidavit with the attached blue copy of the "voided" citation (if applicable) to the Analytical Section for subsequent delivery to the DHSMV.
4. The copy of the affidavit will be delivered to the Property Section by the officer involved. The clerk on duty shall attach the affidavit to the citation book receipt that will be retained until completion of the book. In the event all remaining citations are lost or destroyed; the officer involved shall deliver the copy and inform the clerk that all citations are accounted for.

G. Requests for Dismissal or Nolle Prose of Citations:

1. Any request for dismissal or nolle prose of citations issued in error, or because of other circumstances, will be processed in the following manner:
 - a. Dismissal of Criminal Traffic Offenses: The officer will request that his or her division commander direct a letter to the State Attorney with justification for making the request;
 - b. Dismissal of Infractions: The officer will request that his or her division commander direct a letter to the County Court judge requesting a hearing to move for a dismissal;
 - c. Nolle Prose (Criminal Traffic only): The officer will request that his or her division commander direct a letter to the State Attorney with justification for making the request.
2. In each instance, any available copies of the citation, with the exception of the blue copy, will be attached to the letter being sent. The citation number will be listed on a transmittal form with the notation "letter" in the remark column. The blue copy and transmittal form will follow normal routing.
3. It is the responsibility of the Assistant State Attorney assigned to the request for dismissal or nolle prose of the criminal traffic offense case to notify the violator of court disposition and court appearance status.