

"Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE

2305.7, TRAFFIC, DUI, AND BOATING CITATIONS AND ELECTRONIC CITATIONS

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1. PURPOSE

This policy establishes guidelines for the preparation, processing, and maintenance of traffic, parking, DUI, and boating citations received from the Department of Highway Safety and Motor Vehicles (DHSMV) for use by the Orlando Police Department. This policy also establishes guidelines for preparation and processing of parking violation warnings.

2. POLICY

It is the policy of the Orlando Police Department to ensure that all citations are processed in compliance with Florida Statutes and procedures established by the Orange County Traffic Court and the Department of Highway Safety and Motor Vehicles.

3. DEFINITIONS

N/A

4. PROCEDURES

4.1 RESPONSIBILITY

Agency records pertaining to the issuance, accounting, processing, and management of traffic/DUI/boating citations shall be the responsibility of the Traffic Citation Unit.

4.2 STORAGE AND ISSUANCE OF CITATION BOOKS AND ELECTRONIC CITATIONS

Traffic, Boating and DUI citation books are stored in the OPD Quartermaster Unit and kept in a locked cabinet accessible to only OPD Quartermaster Unit employees or the watch commanders. (34.08c) The citation books are issued by on-duty Quartermaster Unit personnel and the watch commander will be responsible for issuing them. The Quartermaster Unit shall ensure that there is an adequate supply on hand of all citation books. (34.08a). TraCS Citations are issued by the TraCS Citation Coordinator or their designee through the Special Operations Division.

4.3 ACCOUNTABILITY

Each traffic citation book is comprised of 25 individual citations (DUI has 10 and boating has 20), which are in sequential, alphanumeric order. Citation books also contain a receipt, which corresponds to the numerical sequence of numbers inherent to each book. Employees issued a traffic or DUI citation book shall sign the receipt located in the front of the book and turn it into the Quartermaster Unit clerk. Employees issued a boating citation book shall sign and return the receipt to the Marine Patrol Unit sergeant who will forward it to the Traffic Citation Specialist in the Records Management Section. The Traffic Citation Specialist retrieves the traffic and DUI citation book receipts daily from the Quartermaster Unit.

TraCS Citations are issued individually to the officer when they are issuing the Citation.

Receipt information, which includes the receipt number, employee ID number, date citation book was issued, and the beginning citation number, is then entered into the Department's database. Receipts are subsequently stored for possible future reference. The data entry program automatically closes out each citation book when the 25th entry is made for traffic citations, the 10th entry for DUI citations, and the 20th entry for boating citations.

If an officer makes an arrest and a criminal traffic citation is issued, a legible copy of the citation must be made and submitted to the officer's supervisor. The supervisor will review the citation and place it into the traffic citation drop box.

If a TraCS Citation is issued and require a print, signature, the person is arrested or the TraCS Citation is mailed, a hard copy is required to be submitted to the Citation Unit.

When a citation for a non-criminal traffic offense is not issued to the violator on-scene, the yellow copy of the citation must be mailed to the violator by the issuing officer or CSO. The issuing authority shall complete the Civil Infraction Notification Form (Attachment A) and mail it, along with the yellow copy of the citation, to the violator. The white copy of the Civil Infraction Notification Form and the citation will be forwarded to the Traffic Citation Specialist.

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When a citation for a criminal traffic offense is not issued to the violator on-scene, the yellow copy of the citation must be mailed to the violator by the issuing officer or CSO. The issuing authority shall complete the Criminal Violation Notification Form (Attachment B) and mail it, along with the yellow copy of the citation, to the violator. The white copy of the Criminal Violation Notification Form and the citation will be forwarded to the Traffic Citation Specialist.

The Traffic Citation Specialist is responsible for the storage of traffic, DUI, and boating citation book receipts, transmittals, and all voided citations. These records are secured in locked storage cabinets within the Records Unit. (34.08c)

4.4 COLLECTION OF COMPLETED CITATIONS

Completed paper citations shall be placed in designated locked receptacles located at the substations, the ground floor Patrol area at OPH, and in the Special Operations Division office at OPH. The OPD Quartermaster couriers shall retrieve the completed citations from the locked receptacles located at the substations on normal business days and deposit them into the locked receptacle located in the ground floor Patrol area at OPH. The citations will be collected by the Traffic Citation Specialist during normal business hours Monday through Friday, from designated, locked receptacles located in the Patrol area and Special Operations Division office at OPH. (34.08b,c) Completed Boating Safety Inspection forms shall be turned in to the Marine Patrol Unit sergeant.

4.5 PROCESSING OF COMPLETED CITATIONS

Once collected, traffic, TraCS, DUI, and boating citations are entered into the Department's database. The following fields for data entry are captured: citation number; officer ID number; date citation was issued; name of individual receiving the citation; recipient's date of birth; recipient's address; recipient's ethnicity (for seatbelt and wireless communications violations only); recipient's race, sex, date of birth, and driver license number, location of citation issued; aggressive driving (if applicable); state statute; case number if available and jail code (if applicable). Search capabilities also exist within these parameters. Upon completion of data entry, a computer-generated transmittal of all processed citations is printed.

Hard copy TraCS Citations information is verified in the Department's database before being submitted to Traffic Court.

The traffic citation transmittal and corresponding citations are picked up daily by a courier from the Orange County Traffic Court. After verification by the court, a validated copy of the transmittal is returned to the Department. The validated copy of the transmittal, along with a copy of each citation, is kept for the Department's records by the Traffic Citation Specialist for one year.

The DUI arrest package, and copies of the citations are forwarded to the local Bureau of Administrative Review office. The blue copies are kept for the Department's records by the Traffic Citation Specialist for one year.

The boating citation transmittal and corresponding citations are forwarded to the Clerk of the County Court. After verification by the court, the validated copy of the transmittal is returned to the Department. The validated copy of the transmittal along with the blue copies of the citation are kept for the Department's records by the Traffic Citation Specialist for one year. A copy of the validated transmittal is then forwarded by the Traffic Citation Specialist to the Department of Fish and Wildlife in Tallahassee, FL. Boating Safety Inspection forms are returned to the Marine Patrol Unit sergeant and filed in the Special Operations Division.

4.6 INCORRECT CITATIONS

When citations are submitted with errors, the Traffic Citation Specialist will attach the incorrect citation to a "Citation Correction Notice" and forward it to the employee's immediate supervisor. Once the corrected citation is returned, the notice is disposed of in accordance with state records retention procedures. The Traffic Citation Specialist will then process the citation.

An officer may edit a citation and resubmit if the citation has not been submitted to the Clerk of the Court. If the citation has been submitted to the Clerk of the Court, the officer must contact the Clerk of the Court as outlined in the Traffic Manual.

4.7 LOST OR STOLEN CITATIONS

Citations issued to employees and are subsequently lost or stolen shall be reported as soon as feasibly possible, via notarized written statement, to the Traffic Citation Specialist. The statement shall include all information regarding the circumstances of the citations in question. The Traffic Citation Specialist shall retain the statement for future reference.

4.8 VOIDED CITATIONS

Voided citations shall be submitted to the Traffic Citation Specialist for processing. Each voided traffic citation turned into the Traffic Citation Specialist must have the employee's signature and employee number, and his or her supervisor's signature, employee number, and reason for voiding the citation on front of the citation. In addition, no voided traffic citations will be accepted unless either all copies of the citation are attached, no matter which type of citation system is used, or a memorandum approved by the employee's section commander is submitted explaining why some of the copies are missing. This procedure applies to only those citations (e.g., incorrect entries) that have not yet been issued to a violator. As indicated in the DHSMV Uniform Traffic Citation Forms and Procedures Manual, once a citation is issued to a violator, it may not be voided by the employee. Additionally, employees should not indicate on a citation that it has been "dismissed" or "nolle prosequi." These are court actions taken by a judge or a hearing officer and are not within the officer's scope of authority to determine.

If an Officer wishes to void an TraCS Citation, it must have a citation number, a hard copy must be printed with the reason for voiding along with the Officer's information and submitted to the Citation Unit as well as an e-mail orlandopolicecitations@orlando.gov indicating that the citation should be voided.

Any request for the return of a citation from the Traffic Citation Specialist that has already been issued to a violator must be accompanied by a memorandum from the employee's section commander explaining the reason and authorizing the return. The previously mentioned procedures for submission will apply. The Traffic Citation Specialist shall data enter all voided citations. Upon completion of data entry, a computer-generated transmittal is printed and kept for the Department's records. A copy of the transmittal shall also be forwarded to the Department of Highway Safety Motor Vehicle. The voided citations shall be retained by the Traffic Citation Specialist for future reference.

4.9 AMENDED/DISMISSED CITATIONS

Amended and dismissed citations are under the jurisdiction of the Orange County Traffic Court. Officers dismissing a Uniform Traffic Citation will need to complete the Citation Dismissal Form (Attachment C), which shall be reviewed and endorsed by their supervisor. Once the form is completed, it will be turned into the Traffic Citation Unit drop box in the ground floor Patrol area or SOD. The Citation Specialist will forward the forms to Traffic Court for processing and review by a Traffic Court Judge/Hearing Officer. Traffic court personnel will fill in the name of the assigned judge/hearing officer.

4.10 UNUSED/OUTDATED CITATIONS

Employees who are in possession of citations that have been deemed outdated by the Department of Highway Safety and Motor Vehicles shall turn them into the Traffic Citation Specialist. All outdated citations will be stored in alphanumeric order for accounting purposes. Employees in possession of unused citations who are leaving the employment of the Department shall turn them in to the Traffic Citation Specialist. The Traffic Citation Specialist shall attach an amended receipt to the citation book and forward it to the Quartermaster Unit for reissue. (34.08b)

4.11 SEIZED TAGS

Seized tags that were attached and assigned to a vehicle are forwarded to the Traffic Citation Specialist along with a copy of the citation (if a TraCS citation was used, print a copy) and the FR Suspension, Seize Tag Form (Attachment D). Citation information (citation number, tag number, date seized, and owner's name and address) is entered into the

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Department's database by the Traffic Citation Specialist. A copy of each citation is forwarded to the Department of Highway Safety and Motor Vehicles, along with the seized tag and associated documents. A copy is retained by the Traffic Citation Specialist.

If the owner of a seized tag comes to the Department for the purpose of reclaiming his or her tag, and the tag and corresponding paperwork have not been processed, the Traffic Citation Specialist may release the tag to the owner upon receipt of a final disposition order generated by the county courts. The order must indicate that at the time the tag was seized, the owner was in compliance with all state motor vehicle laws. If the tag and associated paperwork have already been processed, the Traffic Citation Specialist shall direct the individual to proceed to the Winter Park Driver's License office.

4.12 AUDITING

Audits of all citations are periodically conducted by a representative of the Department of Highway Safety and Motor Vehicles.

5. FORMS AND APPENDICES

ATTACHMENT A- Civil Infraction Notification

ATTACHMENT B- Criminal Violation Notification

ATTACHMENT C- Citation Dismissal

ATTACHMENT D- FR Suspension, Seize Tag