




COLUMBIA POLICE DEPARTMENT

"Policing Excellence through Community Partnerships"

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Subject: Citation Accountability		
Amends/Supersedes: Section 07, Chapter 02, Citation Accountability 2008	Chief of Police: 	
Distribution: All Personnel	Review Date: July 1	# of Pages: 5

1.0 DIRECTIVE

The Columbia Police Department will comply with accountability procedures established by the South Carolina Department of Highways and Public Transportation regarding the use of Uniform Traffic Citations.

2.0 SOUTH CAROLINA UNIFORM TRAFFIC CITATION

The South Carolina Uniform Traffic Citation - form S-438 (REV 06/2014) is utilized by the Columbia Police Department for the enforcement of traffic and selected criminal offenses. To insure the integrity of the citation accountability system, each Columbia Police Department member will be held strictly responsible for all citations received.

The South Carolina Department of Highways and Public Transportation serves as the distributing agency for Uniform Traffic Citations. Pursuant to provisions imposed on the South Carolina Department of Highways and Public Transportation and the Columbia Police Department by SC Codes §56-7-10, §56-7-20, §56-7-30 and §56-7-40, copies of all citations used or voided must be returned to the South Carolina Department of Highways and Public Transportation for accountability purposes.

3.0 DISTRIBUTION AND PROCESSING OF UNIFORM TRAFFIC CITATIONS

3.1 Secure Storage

Uniform Traffic Citation books are initially received by, and securely stored in the Equipment Management section.

The Records Unit supervisor or designee will sign for two (2) boxes of citation books as they are needed and store them in the restricted access area of the Records Room. Access to citation books is limited to Records Room personnel.

3.2 Initial Issue

Uniform Traffic Citation books shall be issued to members of the Columbia Police Department by the Records Unit Supervisor or a designee and proper accounting assured by documentation in a citation log journal provided by the Columbia Police Department for that purpose. The date of issue will be recorded in the journal

and on the citation book cover by the issuing party. All citation books, complete or partially used, will have a return date of six months from date of issue. Partially used citation books may be re-issued or voided depending on the number of citations remaining and/or age of the citation book. No officer shall have more than two citation books of unissued citations in his possession at any time.

3.3 Processing the Citation - Municipal Court Charges

The Uniform Traffic Citation consists of four (4) color-coded copies. An explanation of each and the proper processing procedures are as follows:

- Violators Copy (Blue)

Given to the alleged violator named on the citation.

- Trial Officers Copy (Green)

Submitted to the Violations Section as soon as possible after the citation is written.

- Driver Records Copy (Yellow)

The copy is retained by the officer until the case is disposed of by final court action or by *nolle prosequi*. Immediately after the case is disposed of the officer will have these citation copies signed by the appropriate official to certify the final case disposition. If the charge is for an offense that carries the possible penalty of suspension of driving privileges, the Driver Records (yellow) and copy must be left with a court official, unless the charges are dismissed or *nolle prosequi*. If the Driver Records (yellow) copy is given to a court official the officer will have the receiving official sign and date the back of the Enforcement Records copy (white) indicating receipt of those copies. The court will then be responsible for forwarding the Driver Records (yellow) copy of the citation to the Department of Highways and Public Transportation. If, after adjudication, the officer retains possession of the Driver Records (yellow) copy he will immediately record the citation number, charge, final disposition and current date on the Traffic Citation Disposition Form (Attached) and submit it along with the Driver Records (yellow) citation copy to his immediate supervisor, who after review and approval will submit them to the Records Unit. The Records Unit will retain the Driver Records (yellow) citation copy for not more than two (2) days and will transmit them to the South Carolina Department of Highways and Public Transportation. This is done to allow for the court to notify the Records Unit if the verdict/disposition is appealed.

- Enforcement Records Copy (White)

The copy is retained by the officer until the case is disposed of by final court action or by *nolle prosequi*. Immediately after the case is disposed of the officer will have this citation copy signed by the appropriate official to certify the final case disposition. The back of this citation copy is to be used as a receipt if the Driver Records (yellow) copy is submitted to any areas other than the Columbia Police Department Records Unit. After adjudication and certification the officer will immediately record the citation number, charge, final disposition and current date on the appropriate form and submit it along with the Enforcement Records copy (white) to his immediate supervisor, who after review and approval will submit them to the Records Unit. If the officer retains possession of the Driver Records (yellow) citation copy after adjudication, they will be submitted to the immediate supervisor with the Enforcement Records copy (white). Cases involving the issuance of Uniform Traffic Citations that are not adjudicated within ninety (90) days will require a written explanation to the officer's Sergeant or section commander.

3.4 Processing the Citation - General Sessions Court Charges

- Violators Copy (Blue)

Given to the alleged violator named on the citation.

- Trial Officers Copy (Green)

Submitted to the Violations Section as soon as possible after the citation is written.

- Drivers Records Copy (Yellow) and Enforcement Records Copy (White)

The officer will record the citation number, the violator's name and current date on the Uniform Traffic Citation General Sessions Court Transmittal Form and submit it with the Drivers Records (Yellow) and Enforcement Records (White) copies of the citation to his immediate supervisor. The supervisor will review the form for completeness, sign off on it and submit the form and citations to the Records Unit.

4.0 VOIDING CITATIONS

Officers will exercise extreme care in the writing of citations in order to keep errors at a minimum. Officers will ensure that the citation is legible and contains the correct information to the best of the officers' knowledge.

It is understood that at times errors will be made on citations or that other circumstances will arise that require that a citation be voided. Should this occur, the following procedure will be followed:

1. Remove all copies of the citation from the citation book and staple them together.
2. Deliver the four (4) copies to the responsible officer's unit supervisor.
3. The supervisor will write "**VOID**" across the front of all four copies of the citation, then date and sign same.
4. The reason for voiding the citation will be written on the back of the Enforcement Records Copy (white) and then signed by the officer and the officer's Sergeant or section commander.
5. The supervisor will forward all copies of the voided citation to the Records Unit.

The practice of amending citations to correct errors will not be permitted.

5.0 CHANGED OR ALTERED CITATIONS

When a violation is changed or altered as a result of final trial court action, the word "**OVER**" will be written on the top right corner of the Driver Records Copy (yellow), Enforcement Records Copy (white). The changed or altered violation will be written on the back of these copies of the citation and then dated and signed by the trial judge or his designee.

6.0 CITATIONS DISPOSED OF BY *NOLLE PROSEQUI*

When the decision to *nolle prosequi* is made at the request of the issuing officer, it must be done in open court before the trial judge. The issuing officer is then responsible for certifying the citation. If the prosecuting attorney makes the decision to *nolle prosequi*, it becomes his responsibility to certify the citation.

7.0 LOST OR STOLEN CITATIONS

Officers shall exercise due diligence to maintain possession of their issued citations. Should citations be lost or stolen, the following procedure will be followed:

1. A written statement regarding the circumstances surrounding the lost or stolen citations will be delivered to the officer's Sergeant or section commander.
2. The supervisor will sign off on the statement and return it to the officer.
3. The officer will then take the statement to the Records Unit and complete a sworn affidavit containing the traffic citation number(s). The affidavits will then be turned over to the Records Unit for transmittal.

8.0 CITATION ACCOUNTABILITY

8.1 Records Unit Responsibilities

Upon receipt of Driver Records (yellow) copy of an adjudicated citations, the Records Unit will verify and account for each citation and forward them to the South Carolina Department of Highways and Public Transportation within two (2) days of the disposition of the case by final trial court action or by *nolle prosequi*.

The Records Unit will maintain a file containing copies of all South Carolina Uniform Traffic Citation Transmittal Forms signed by a Highway Department official indicating receipt of Driver Records (yellow) citation copy and affidavits delivered to the South Carolina Department of Highways and Public Transportation by the Columbia Police Department Records Unit.

The Records Unit, on a weekly basis, will submit pending General Sessions Traffic Citations along with a list containing: the violator's name, citation number and the date to the General Sessions Clerk of Court or designee. The General Sessions Clerk of Court or designee will acknowledge receipt of the citations by signing and dating a copy of the list provided by the Records Unit. The General Sessions Clerk of Court accepts responsibility for furnishing a list of adjudicated citations to the SC Department of Public Safety.

8.2 Returned Citation Books

Citation books turned in to the Records Unit having twenty-five (25) or more citations will be re-issued immediately to officers assigned traffic enforcement duties. Citation books turned in to the Records Unit having less than twenty-five (25) citations will be voided and forwarded to the South Carolina Department of Highways and Public Transportation.

8.3 Officers Separating From the Columbia Police Department

Officers who separate from the Columbia Police Department will be responsible for making an appointment with City Legal Department to discuss any citations pending court to determine any legal course of action by the City. Any citation not collected by City Legal will be turned in by the officer to their immediate supervisor for proper handling. This must be completed prior to clearing with the Records Unit.

Note: The Records Unit cannot hold any unadjudicated citations.

Officers who separate from the Columbia Police Department will be responsible for turning in any unused citations and adjudicated citations to the Records Unit Supervisor (or designee) prior to their employment termination date. The Records Unit Supervisor (or designee) will sign an Officer leaving Form only after this requirement is satisfied.

9.0 INVENTORY REQUIREMENTS

Pursuant to SC Code §56-7-30, an inventory will be conducted during the time frame set forth by the South Carolina Department of Highways and Public Transportation of all Uniform Traffic Citations not yet disposed of by final trial court action or by *nolle prosequi*. The results of the inventory will be forwarded to the South Carolina Department of Highways and Public Transportation within ten days of the completion of the inventory.

The Records Unit, by direction of the Chief of Police, may conduct additional in-house inventories of Uniform Traffic Citations.

10.0 SOUTH CAROLINA PUBLIC CONTACT/WARNING CITATION

Pursuant to with SC Code §56-5-6560, the South Carolina Public Contact/Warning Citation - form 432 (REV 10/2008) is utilized by the Columbia Police Department to document traffic stops and public contacts that **DO NOT** result in an arrest or the issuance of a Uniform Traffic Citation. To insure the integrity of the citation accountability system, each Columbia Police Department member will be held strictly responsible for all citations received. The Public Contact/Warning Citations are not subject to annual audit.

10.1 Secure Storage

Public Contact/Warning Citation books are initially received by, and securely stored in the Equipment Management section.

The Records Unit supervisor signs for two (2) boxes of citation books as they are needed and stores them in the restricted access area of the Records Unit. Access to citation books is limited to Records Unit personnel.

10.2 Initial Issue

Public Contact/Warning Citation books shall be issued to members of the Columbia Police Department by the Records Unit Supervisor or a designee and proper accounting assured by documentation in a citation log provided by the Columbia Police Department for that purpose. No officer shall have more than two (2) citation books of unissued citations in his possession at any time.

10.3 Processing the Public Contact/Warning Citation

- Driver Copy (Blue)

Given to the alleged violator named on the citation.

- Agency Copy (White)

Submitted to the Records Unit by the end of the officer's shift. The Records Unit will submit the data electronically to the South Carolina department of Public Safety for inclusion in the State's database.