



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: March 1, 2002	REVISED DATE: 10/13/09	NO. PAGES: 1 of 5	NUMBER: 8.2.03
SUBJECT: UNIFORM TRAFFIC TICKETS (UTT)			
ASSOCIATED MANUAL:		RELATED ORDERS: 3.4.01, 3.4.14, 3.4.17	
CHIEF OF POLICE: <i>Michael McGrath, Chief</i>			

*Substantive changes are in italics*

**PURPOSE:** To establish guidelines to complete the Uniform Traffic Ticket (UTT). To establish a means of positive identification for traffic violators cited for a traffic offense for which the violator can be arrested but is not arrested.

**POLICY:** The Cleveland Division of Police shall issue the UTT as listed in Part 4 of the Cleveland Codified Ordinances (CCO). The use of Title 45 of the Ohio Revised Code is limited to cases where a comparable CCO does not exist.

Per Ohio Revised Code 2935.26, officers may arrest a violator that refuses to sign the citation.

With the exception of *Operating a Vehicle Under the Influence of Alcohol or Drugs (OVI)* offenses, officers may obtain a thumbprint from a violator in lieu of arresting for an arrestable traffic offense.

Officers shall not issue a UTT when a Misdemeanor Summons or Minor Misdemeanor Citation is the appropriate enforcement instrument.

**DEFINITION:**

**Arrestable Traffic Offense:** A traffic offense with a misdemeanor classification higher than a minor misdemeanor (M-4 through M-1), with the exception of Cleveland Codified Ordinance 433.03 - Speed in excess of 25 mph over the posted limit or in excess of fifteen mph over limit in a school zone, a fourth degree misdemeanor.

**PROCEDURES:**

- I. Determining Driver Status:
  - A. When issuing a UTT an officer shall determine the driving status of violator through the radio dispatcher.

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- B. Officers unable to complete a driving status check due to dispatch notifying the officer that the computer is "down" shall note such information in the "Remarks" section of the UTT, including the date and time of such notification.

## II. *Thumbprint*

- A. *Officers citing a violator in lieu of arresting the violator for an arrestable traffic offense shall obtain a thumbprint of the violator in all instances where the violator cannot produce satisfactory identification.* The officer shall place the print in the designated space on the back of the white copy of the Uniform Traffic Ticket (UTT).
- B. Officers shall arrest violators who refuse the thumbprint procedure.
- C. If a violator denies being the person cited during court proceedings, the prosecutor shall request the bailiff to contact the Crime Scene and Records Unit (CS&RU) and request a fingerprint analyst to respond to the courtroom. CS&RU shall provide a fingerprint analyst upon request.

## III. Proof of Financial Responsibility:

- A. If a violator is unable to show proof of financial responsibility, advise them:
  - 1. To mail a copy of proof with the fine; or
  - 2. To bring proof to show to personnel at the Clerk of Courts office when paying the fine; or
  - 3. To show the judge or magistrate at court and,
  - 4. That a violator who fails to show proof will result in the suspension of their driver's license.
- B. Lack of financial responsibility proof does not make an offense non-waiverable.
- C. Offense Section shall list the violation(s) and reference the Cleveland Codified Ordinances.

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#### IV. Adult Court Dates on the UTT

- A. Court dates shall be set for 14 days from date of issuance of a (non-arrest) misdemeanor traffic offense(s). *Courtroom appearances shall be set for 1330 hours in Court Room 3-B.*
- B. The court date shall be set for within five *court business* days of issuance of *Driving Under Suspension (DUS) with a vehicle seizure under ORC 4507.38.*
- C. Violators who are issued a UTT for a misdemeanor traffic offense and are also arrested for an unrelated offense shall have a UTT court date set for 14 days from the date of issuance.
- D. Violators who are arrested for an arrestable traffic offense shall have their court date scheduled for the next business day's court date. All other non-arrestable UTT's issued contemporaneously with the traffic offense for which the violator is being arrested shall also have their court date scheduled for the next business day's court date.
- E. For violators arrested for *Operating a Motor Vehicle While Intoxicated (OVI)*, the next scheduled court date shall be within five *calendar* days from the date of issuance.
- F. UTTs issued on Saturday shall have their court date for a Friday, 13 days from the date of issuance. *UTTs issued on a Sunday shall have their court date set for a Monday, 15 days from the date of issuance.*
- G. In instances where the scheduled court date falls on a holiday, the court date shall be set for the next date that the court is in session after that holiday.
- H. *Officers shall refer to Divisional Notices that are issued periodically to inform them of changes and deviations from the standard court schedule.*
- I. *In instances where a UTT and Minor Misdemeanor Citation (MMC) are being issued concurrently to the same offender, the court appearances shall be set for 0830 hours in Court Room 3-C.*
- J. *In instances where a UTT and/or MMC are issued to an offender concurrent with the offender's arrest for a felony, the issuing officer shall forgo setting a court date but rather will indicate "felony arrest" in the space for court date. The charging detective shall handle any UTT's and/or MMC's.*

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- V. Officers shall complete the back of the white copy of the UTT for juvenile traffic offenses. The court date for juvenile violators shall be set as follows:
- A. Juveniles who are cited and/or physically arrested (booked) and released shall have their court date set for 0900 hours 14 days from the date of issuance.
  - B. Juveniles cited for DUI, whether booked and released or turned over to the Juvenile Court authorities, shall have their court date set for the next business day's court date at 0900 hours.
  - C. No court date shall be assigned for UTT violations of juveniles admitted to the juvenile detention facility on charges unrelated to the UTT.
  - D. In juvenile cases where a scheduled court date falls on a Saturday, Sunday or court holiday, the court date shall be set for the next date that court is in session.
- VI. *If an issued UTT contains a substantive error (such as an inaccurate court date) that requires notification of the violator, the officer shall correct the error and contact the violator to advise them of any changes. The officer contacting the violator shall make a notation on the UTT of the date and time of notification as well as a notation of the name and badge of the officer making the notification.*
- VII. *The Ohio Revised Code requires officers issuing Uniform Traffic Tickets (UTTs) to personally serve the UTT to the violator. Only in **very limited circumstances** may an officer issue a summons in lieu of a UTT. Examples of limited circumstances include instances where additional investigation is necessary, or the violator is not present due to having been transported to a hospital for injuries, or the offense involves Unlawful Entrustment. Issuing a summons in lieu of a UTT for the sake of expediency or even a priority assignment is not legally sufficient to avoid personal service on the violator. The officer issuing a summons in lieu of a UTT shall use the "Remarks" section of the UTT to articulate the reason for issuing a summons.*
- VIII. *UTT with enhanced moving violations*
- A. *Officers who cite violators who have prior enhanced moving violations such as speed, failure to control, etc. with one or two prior offenses/convictions within the previous 12 months may cite new moving violations as a fourth or third degree misdemeanor. Violators **must** be given notice of the offense level with which they are being charged. M-4 or M-3 tickets must be marked as such and the reason for enhancement clearly stated on the UTT.*

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- B. *A moving violation enhancement, to be properly charged at higher penalty, must include the offense, offense and conviction date, court and new offense level. A complete and correct enhancement shall be noted as follows: Speed, 5-05-08 and 5-29-08, Cleveland, M-4. The M-4 or M-3 designation must be written large enough and circled so the violator and the Clerk's Office can easily notice the enhancement.*
- C. *Prior offenses of OVI must also be noted on the UTT. This is particularly important in the case of a refusal where higher penalties attach when a defendant has a prior conviction. In almost all circumstances, two charges of OVI shall be present - to wit 433.01A1 the standard OVI observation and 433.01A2-9 (alcohol result)/4511.19A1(j)(i-x) (drug result) or for a refusal prior conviction 4511.19A2. The only time a violator will have a single charge of OVI is when it is the violator's first ever OVI offense and they refuse a test. In this instance only the standard OVI observation is charged.*
- IX. *In circumstances when more than one officer is involved in the citation or summons of a violator for a traffic violation and/or misdemeanor citation where a UTT and/or MMC is being issued, officers shall **not** split the writing of UTT's or MMC's. Only **one** officer's name shall appear on the citing or summoning instruments.*
- X. *Completed UTT's (as well as MMC's) must be turned in at the end of each shift. The on-duty OIC receiving the UTT's/MMC's shall review each UTT/MMC for correctness and affix their initials and badge number in the lower right hand area of the UTT to indicate their review. UTT's/MMC's needing corrections shall be returned to the issuing officer for the proper corrections.*
- XI. *UTT's (and MMC's) shall not be "held" by the issuing officer or the administrative officer logging in the tickets. UTT's (and MMC's) must be forwarded expeditiously in the Lock Boxes on a daily basis to the Clerk of Courts.*