

## Traffic and Parking Tickets

### 504.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing traffic and parking tickets.

### 504.2 POLICY

It is the policy of the Town of Warwick Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic ticket, parking ticket, or written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

### 504.3 RESPONSIBILITIES

The Administrative Division shall be responsible for the supply and accounting of all traffic and parking tickets issued to members of this department. Tickets will be kept in a secure location and issued to members by the Administrative Division staff. Members will sign for the ticket books when issued or upon return of unused tickets.

Members of the Town of Warwick Police Department shall only use department-approved traffic and parking ticket forms.

#### 504.3.1 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the department member believes it is appropriate. The Administrative Division should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule.

### 504.4 TRAFFIC TICKETS

#### 504.4.1 CORRECTION

When a traffic ticket is issued but is in need of correction, the member issuing the ticket shall submit the ticket and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the ticket and letter shall then be forwarded to the Administrative Division. A Lieutenant or the authorized designee shall prepare a letter of correction to the court having jurisdiction and notify the ticket recipient in writing.

#### 504.4.2 VOIDING

Voiding a traffic ticket may occur when the ticket has not been completed or when it is completed but not issued. All copies of the voided ticket shall be presented to a supervisor for approval. The ticket and copies shall then be forwarded to the Administrative Division.

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#### 504.4.3 DISMISSAL

Members of this department do not have the authority to dismiss a traffic ticket once it has been issued. Only the court has that authority. Any request from a recipient to dismiss a ticket shall be referred to the Patrol Supervisor/Lieutenant. Upon a review of the circumstances involving the issuance of the traffic ticket, the Patrol Supervisor/Lieutenant may request the Patrol Lieutenant to recommend dismissal. If approved, the ticket will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic tickets whose request for dismissal has been denied shall be referred to the appropriate court.

Prior to a court hearing, a member may submit a request for dismissal of a traffic ticket to his/her supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic ticket, the supervisor may forward the request to the Patrol Lieutenant to recommend dismissal. If approved, the ticket will be forwarded to the appropriate prosecutor with a request for dismissal.

Should a member determine during a court proceeding that a traffic ticket should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the ticket. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Patrol Lieutenant for review.

#### 504.4.4 DISPOSITION

The court and file copies of all traffic tickets issued by members of this department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The ticket copies shall then be filed with the Administrative Division.

Upon separation from appointment or employment with this department, all members who were issued traffic ticket books shall return any unused tickets to the Administrative Division.

#### 504.4.5 JUVENILE TICKETS

Completion of traffic ticket forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a ticket.

#### 504.4.6 DATA COLLECTION

The Town of Warwick Police Department shall submit a report to the commissioner of the New York State Department of Motor Vehicles on June 30th and December 31st of every year. This report shall contain a summary as to the status of all traffic tickets issued by the Town of Warwick Police Department for the preceding six months (15 NYCRR § 91.10).

Any lost tickets or ticket packets that are listed in the above report must be supported with a written report by the member who lost the ticket or ticket packet (15 NYCRR § 91.11).

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#### **504.5 PARKING TICKET APPEALS**

Parking tickets may be appealed in accordance with local and state law.

#### **504.6 ELECTRONIC TICKET SYSTEM PROCEDURES**

##### **504.6.1 ELECTRONIC TICKET SYSTEMS ADMINISTRATOR**

An electronic ticket system administrator should be appointed by the Chief of Police.

##### **504.6.2 DUTIES OF THE ADMINISTRATOR**

The electronic ticket system administrator is responsible for:

- Coordinating routine and periodic software updates of the ticketing software.
- Updating the system databases including, but not limited to, all violation codes in use, bail schedule and court appearance information.
- Completing routine maintenance and damage repair of devices.
- Overseeing the periodic upgrade and replacement of devices as wear and system requirements mandate.
- Monitoring data transfers from the ticketing devices to the Town of Warwick Police Department servers, to the courts of jurisdiction for the issued ticket and to any state-mandated receiver. This includes the timely transmittal of the data as per the defined schedule.
- Reviewing data on common user error and providing feedback for use at briefings.
- Analyzing data on common system errors and providing feedback to the system vendor for correction.

##### **504.6.3 VOIDING AN ELECTRONIC TICKET**

Once an electronic ticket is generated it may not be deleted from the system or device. If a member generates a ticket in error, the member will follow the software procedure for completing a voided ticket and then contact the electronic ticket system administrator, within the designated time period, for voiding the ticket in the system. When the electronic ticket system administrator receives a request for deletion, the administrator will validate the request with the member's supervisor and complete the void process.

##### **504.6.4 INOPERABLE TICKETING DEVICE**

At the beginning of every tour of duty, every member who is issued a ticketing device should run a system check to validate that the device functions properly. A replacement ticketing device or alternative should be obtained for any malfunctioning device. Members will not use a malfunctioning ticketing device.