

TG-5 ADJUDICATION
W. Franey, B. VeerKamp, E. Whitaker

Project

To provide guidance material on the effective management and application of traffic records for the adjudication system(s).

Assumptions

In addressing the problem, three assumptions were made:

- (1) Good laws in existence covering the adjudication of traffic law violations
- (2) The existence of uniform statewide rules and procedures for traffic courts, originated and administered (monitored) by the state's highest court
- (3) Use of a statewide Uniform Traffic Ticket and Complaint Form.

These assumptions are based on the provisions contained in three basic documents:

- (1) The Uniform Vehicle Code
- (2) Model Rules and Procedures for Traffic Court Cases
- (3) Manual on Uniform Traffic Control Devices.

Traffic Records (The Uniform Traffic Ticket) (UTT)

The basic document for traffic law adjudication is the standardized Uniform Traffic Ticket and Complaint. This form, in quintuplicate, is started by the arresting officer when he reports a traffic violation.

It includes the name, address, date of birth, Social Security Number, driver's license number of the violator, the citation, and the officer's complaint, a description of the violation as it occurred.

The original copy of the UTT goes from the police agency to the traffic court for adjudication. After final disposition by the court, if a suspension, revocation, or conviction results, this original UTT copy goes to the State D.M.V. (Department of Motor Vehicles) for entry in the violator's driver record and for any resultant action to be taken by the D.M.V.

A duplicate copy of the UTT must be sent to the auditing agency by the court after final disposition of the case, whatever the court's action. This permits the auditing agency to match the citation with the court's decision and provides a valuable tool for evaluating the performance of the arresting officers and the courts.

Accident Report

When a police-reported accident involves a citation, an accident report is sent to the traffic court. A copy goes to the state D.M.V. for entry into the driver(s) record and for any action required by D.M.V. A copy will also go to the state's accident statistics center.

Driver Records

The driver's record in the state D.M.V., containing identifiers and his record of convictions, suspensions, revocation, restrictions and point accumulations is available to the courts and police agencies.

All convictions, suspensions and revocations are reported by D.M.V. to the National Driver Register. The Register in return can be accessed by D.M.V. for the driver's record from other states.

The Auditing (or Accountability) Agency

An auditing agency needs to be created in each state, with the responsibility and authority to:

- (1) Control the design (in cooperation with other involved agencies), printing and distribution of all Uniform Traffic Ticket and Complaint forms, to all police agencies of the state which handle traffic violations
- (2) Require all traffic courts (or administrative adjudications) to file their copies of UTT's with the agency, whether tickets are voided or not and regardless of the disposition of the individual case
- (3) Monitor all UTT's requiring police and courts to account for all UTT's issued
- (4) Investigate police agencies or courts when UTT's are missing
- (5) Prosecute any parties who violate the UTT procedures
- (6) Evaluate the performance of the police agencies and courts in following uniform procedures.

The auditing agency may be under the administrative control of:

- (1) The Chief Justice of the state's Supreme Court, or
- (2) The State Court Administrator of Judicial Council, or
- (3) The state's motor vehicle agency

NOTE: If the state D.M.V. has responsibility for administrative adjudication of traffic law, the auditing agency should be under the state court's supervision.

Accountability for traffic records is crucial to any effort to improve adjudication of traffic violations.

THE ADJUDICATION PROCESS
IN GRAPHIC FORM

