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49.1 ACCOUNTABILITY, ISSUANCE, AND STORAGE OF ALL UTT CITATIONS (CALEA 82.3.4 a)

The South Carolina Department of Transportation (SCDOT) and the South Carolina Department of Public Safety (SCDPS) implemented the South Carolina Collision and Ticket Tracking System (SCCATTS). The primary way to issue UTT Citations is through this system, aka "eTickets." SCCATTS issues UTT Citation numbers via a batch numbering system controlled by the DMV. In accordance with SC Code of Law §56-7-30, officers will ensure all UTT Citations are submitted to and accepted by the SC DMV within 3 business days of the UTT Citation's issuance.

Changes to the SCCATTS entry cannot be made once the eTicket has been issued to the Defendant, as the SCCATTS entry would then be inconsistent with the Defendant's copy (and trigger due process deficiencies because of lack of proper notice). However, if the officer can retrieve the Defendant's copy before he is released, the officer can issue a new eTicket and void the eTicket in error. To void an eTicket, the officer must notify the NCIC Operations Supervisor who will assign a Records Specialist to accomplish this task.

Citation books will still be issued to officers for instances when a mobile data terminal is unavailable. Each book received will be logged in a logbook in alphanumeric sequence and will be issued, in that sequence, to requesting officers. The requesting officer will sign for each book issued to them and will, additionally, have their name printed, for sake of legibility, in the log.

The NCIC Operations Supervisor is responsible for the issuance, accountability, storage, and cross reference of all UTT Citations. Books being held awaiting issue to individual officers will be stored in a safe location to prevent unauthorized use. Files will reflect numbered UTT Citations and the officers to whom those UTT Citations were issued. When necessary, the NCIC Operations Supervisor will order additional UTT Citation books from the S.C. Department of Public Safety. Upon their receipt they will be inventoried by her staff against the bill of lading and any discrepancies reported immediately to both the Chief of Police and S.C. Department of Transportation.

Periodic audits will be conducted by the NCIC Operations Supervisor, or at the discretion of the Chief of Police, or his designee.

49.2 LOST AND VOIDED HANDWRITTEN UTT CITATIONS

If an officer either makes an error in the preparation of a UTT Citation, or loses an individual UTT Citation or UTT Citation book, it is imperative that this fact be reported immediately, so that appropriate action can be taken to void these UTT Citations with the S.C. Department of Transportation. The South Carolina Code of Laws provides criminal penalties for failure to properly report and account for UTT Citations. This liability goes against both the agency and the individual officer, and ranges in fines from $100 to $1500 and, in extreme cases, up to six months imprisonment per UTT Citation.

The following must be accomplished in the case of void or lost handwritten UTT Citations:

1. UTT Citations to be voided: If there has been an error in preparation of a UTT Citation, the officer will personally appear with the UTT Citation (all copies must be turned in) at the NCIC office within three working days of the date the UTT Citation is written. The NCIC Operations Supervisor will then prepare an affidavit of voiding and sign it. This affidavit will be forwarded to the S.C. Department of Transportation. The UTT Citation will be destroyed by the Charleston Police Department according to the S.C. Department of Transportation's procedure and order. The same procedures should be used in the case of UTT Citations that have been damaged but not lost. No UTT Citation that must be voided will be taken to the judge. In the past, officers have asked the judge to enter a dismissal on these UTT Citations. If he does this, and the UTT Citation goes to the S.C. Department of Transportation incomplete, it will be returned to us as unacceptable.

    Voiding of UTT Citations after *proper* issuance is an extremely unusual procedure and should be left to the courts of law. This does not apply when the reason for void is due to error in preparation as outlined previously in this General Order.

2. Lost UTT Citations: While officers are expected to ensure that UTT Citations issued to them are safeguarded, there may be a situation where an individual UTT Citation or UTT Citation book is lost. It is the responsibility of the officer to ensure that he keeps sufficient inventory of his UTT Citations to expeditiously realize when a loss has taken place. When an officer discovers that they have lost a UTT Citation or UTT Citation book, they will report to the NCIC Operations Supervisor on the next scheduled working day. The Officer will complete a state affidavit form (which must be notarized) provided by the NCIC Operations Supervisor, outlining the circumstances surrounding the loss, and it will be forwarded to the S.C. Department of Transportation for action. The officer must also complete a Blue Team for the loss of department property. Failure to expeditiously report the loss of a UTT Citation or UTT Citation book will subject the officer to possible criminal prosecution by the State and dismissal from the Police Department.

    Officers are reminded that a high level of care is required to protect their UTT Citations. Loss of a UTT Citation/UTT Citation book should be a rare occurrence and each loss is investigated for possible officer negligence. A pattern of loss by one officer will not be tolerated.

The S.C. Department of Transportation and state law mandate annual UTT Citation audits. The Charleston Police Department will expeditiously participate in and conduct such annual audit with reports to the Chief of Police. Responsibility for the annual audit will fall on the NCIC Operations Supervisor unless otherwise directed by the Chief of Police. This audit will constitute the minimum required for accountability for UTT Citations. It does not preclude periodic audits by supervisory personnel.

Upon issuance of UTT Citations, the logbooks will be maintained by the NCIC Operations Supervisor and notice given to the Clerk of Court. The Clerk of Court will maintain a database in their records management system (JMS) indicating which UTT Citations have been issued to each Officer. At the end of court proceedings, the finished UTT Citations will be forwarded to the S.C. Department of Transportation with a copy maintained by the Court.

49.3 <u>PUBLIC CONTACTS/WARNINGS</u> (CALEA 61.1.2 c)

Any time an officer stops a motor vehicle for investigation or a violation and does not issue a UTT Citation or make an arrest, the officer who initiated the stop must complete a Public Contact/Warning in accordance with South Carolina State Code §56-5-6560. Officers are required to include the age, gender, and race or ethnicity of the violator on the Public Contact/Warning. Officers may not issue any other form of verbal or written warning in place of the Public Contact/Warning. This policy does not pertain to traffic safety checkpoints. Officers will utilize the South Carolina Collision and UTT Citation Tracking System (SCCATTS) for reporting of Public Contacts/Warnings. Officers may sign for and obtain Public Contact/Warning forms through the NCIC Operations Supervisor for handwritten Public Contacts/Warnings. All Public Contact/Warnings will then be submitted to SCCATTS by the end of the officer's shift. If an officer issues a handwritten Public Contact/Warning, they will enter all information into SCCATTS and include the handwritten Public Contacts/Warning number in the notes. The officer will then shred the officer's copy of the handwritten Public Contact/Warning.