

12.240 OHIO MULTI-COUNT UNIFORM TRAFFIC TICKET (MUTT)

Reference:

Procedure 12.205 – Traffic Enforcement

Procedure 12.235 – Operating a Vehicle under the Influence (OVI): Processing and Arrest

Procedure 12.900 – Processing Juvenile Offenders

Policy:

Officers will use the Ohio Multi-Count Uniform Traffic Ticket (MUTT) citation for all moving violations cited under city ordinances or state codes regardless of the violator's place of residence.

The citation is the actual summons so notarization is not required. Officers will record on the citation the date the summons is personally served on the defendant.

All citations for minor misdemeanor moving violations must provide the violator with the option of paying out the fine instead of appearing on the scheduled court date. Violators will not receive the payout option when one of the following applies:

- The violator requires medical care and/or is unable to provide for his own safety.
- The violator cannot or will not offer satisfactory proof of identity.
- The violator refuses to sign the citation.

Most moving violations are minor misdemeanors unless the violator has a previous conviction for a moving violation within the past 12 months. Officers will treat all minor misdemeanor moving violations as a first offense (requiring payout option), unless the officer has personal knowledge the violator has a conviction for a moving violation within the past 12 months. Personal knowledge should include the information available through the computer system.

Information:

A State of Ohio Supreme Court decision has stated: "The authority granted in Section 2935.03 to a police officer to arrest and detain an individual found violating a law of this State, does not confer authority upon a municipal police officer to arrest without a warrant outside the geographical boundaries of his municipality for traffic offenses observed by the officer to have been committed outside such municipal limits."

The Hamilton County Municipal Court requires that police officers advise persons cited to Traffic Court to bring proof of financial responsibility to court with them.

Procedure:

- A. Completing MUTT citations:
1. Neatly print the citation in its entirety (except the signature of the violator).
 - a. All violators must receive a readable copy of the citation.
 - b. Give adult violators a court date 10-14 calendar days from the date of violation.
 - c. If the violator is involved in an auto accident and is cited for a minor misdemeanor only, give them a court date 7-10 calendar days from the date of violation.
 - d. Refer to Procedure 12.900, Section G., when investigating juvenile traffic violations.
 2. When issuing a citation for a traffic violation, the officer will include the violator's zip code as part of the address.
 3. A total of six violations can be written on each MUTT citation. If conditions exist where more than one citation is issued to an individual, they will be handled in the following manner:
 - a. You must give the offender the same court date on each citation issued. You must continue to check the Court Appearance Required block for each violation requiring a court appearance.
 - 1) In instances of DUI arrests, refer to Procedure 12.235 for proper citation instructions.
 - b. The citing officer will write across the "Conditions" section of the citation the words, "Companion Case." Include citation serial numbers for each companion case.
 - c. When making a physical arrest write on the Arrest Form 527, under "Facts of Arrest," that it is a companion case. Include citation serial numbers for each companion case. Deliver all companion citations to Central Intake with the arrest slip.
 - d. Staple all companion cases together.
 4. Check the Court Appearance Required block for each moving violation which is a fourth degree misdemeanor or higher. Violations not marked as Court Appearance Required will be considered payout citations.
 5. Legibly sign (and/or print below your signature) as the charging officer and assign a court date on all citations.
 6. Require the violator to sign the citation along the right hand side of the citation in the space marked "Signature" to acknowledge receipt.

- a. Officers have the authority to make a physical arrest on all moving violations if the violator continues to refuse to sign the citation after being advised of the physical arrest consequences.
 - 1) If the violator refuses to sign the citation, the officer will notify a supervisor of the situation. The supervisor will review the circumstances and decide if the violator will be arrested.
 - 2) When a physical arrest is affected, the officer will write "Refused" on the signature block of the MUTT. The officer will also write "Physical" across the Court Date block at the bottom of the citation to cancel the court date and payout option.
 - 3) The officer will write on the Arrest Form 527 that the subject refused to sign the citation.
 - 4) Officers will not make a physical arrest in situations, such as auto accidents, where the officer did not witness the violation. If the violator refuses to sign the citation, officers should write "Refused-auto accident" in the signature block of the MUTT.
 - b. If the violator is unable to sign the citation (unavailable at the hospital, unconscious, etc.), the issuing officer will exercise reasonable measures to get the signature of the violator.
 - 1) In cases involving aggravated circumstances, the officer may choose to wait to issue the citation until the violator can sign. Another choice is to place a Police Hold on the subject at the hospital, completing an Arrest Form 527 after consulting with a supervisor.
 7. When applicable, officers will complete the space for witnesses and officer's notes on the reverse side of the pink copy of the citation. Use the insert flap to prevent defacing the front of the page when writing on the rear of the carbonless form.
 - a. Any officer desiring a copy for personal use will use the unit copying machine to make such copy.
 8. Give the violator a copy of the Payout Instructions (Form 655T) along with a copy of the citation.
- B. To require additional security from moving violators and to assure compliance with the requirements of the citation:

1. Usually officers will not require additional security to ensure moving violators pay the established fine or appear as required, regardless of whether the violator is a Hamilton County resident, out-of-county Ohio resident, or out-of-state resident.
 - a. Most citations issued to violators for minor misdemeanor moving violations will simply provide both a court date and a payout option, as detailed above, without requiring further security from the violator regardless of the violator's place of residence.
 - b. Most citations issued to violators for moving violations which are fourth degree misdemeanors or higher will simply require a mandatory court appearance as detailed above, without requiring further security from the violator, regardless of the violator's place of residence.
 - 1) This general rule will not prevent officers from physically arresting violators for certain serious moving violations as detailed below.
 - c. Officers will advise violators that failure to pay the fine or appear as required will result in a *capias* being issued for the violator's arrest, and entry of such *capias* into the Regional Police Computer System.
 - 1) The Form 655T contains such a warning to the violator.
2. Officers may require additional security from some traffic violators, according to the guidelines listed below, to ensure compliance with the requirements of the citation in cases which include aggravated circumstances or in which the officer has reason to believe the violator will not pay the citation or appear in court.
 - a. Officers do not have the legal authority to physically arrest Hamilton County residents for minor misdemeanor violations unless the offender requires medical care, cannot or will not offer satisfactory proof of identity, or refuses to sign the citation; regardless of any aggravated circumstances that might be present. The violator's failure to comply with the requirements of the citation will result in a *capias* served by law enforcement officers.
 - b. Officers will continue to physically arrest Hamilton County residents for moving violations that are fourth degree misdemeanors or higher when aggravated circumstances exist, and police discretion so dictates.
 - 1) When a physical arrest is necessary for a charge that would usually result in a citation, the officer will call a supervisor. The supervisor will review the circumstances and decide if the violator will be arrested.
 - 2) The arresting officer will write "Physical" across the bottom portion of the citation, and complete an Arrest Form 527.

- 3) The officer will call a supervisor in cases requiring a cash bond.
- 4) When citing out-of-county Ohio residents or out-of-state residents for minor misdemeanor moving violations, citing officers may require the violator to post a cash bond. Do not accept a license from out-of-state residents as security for moving violations.
 - a) The officer will call a supervisor in cases requiring a cash bond.
- 5) Such bond may be posted in one of the following two ways:
 - a) If the violator has enough cash to post bond immediately, the officer will remove the violator to the Clerk's Office at the Justice Center, 1000 Sycamore Street, and witness the posting of bond before releasing the violator.
 - b) If the violator does not have enough cash to post bond immediately, the officer will remove the violator to the Justice Center, Central Intake, without delay.
 - 1] The citing officer will not write "Physical" across the bottom of the citation, since the violator retains his option to payout or appear.
 - 2] The officer will write on the Arrest Form 527 "Detained for Bond."
- c. When citing out-of-county Ohio residents for moving violations which are fourth degree misdemeanors or higher, in cases in which aggravated circumstances exist and/or police discretion so dictates, officers may:
 - 1) Request the violator to surrender his valid Ohio driver's license as security to assure compliance, as may be done with minor misdemeanor moving violations, except that a driver's license may not be accepted if the violator is charged with any of the following offenses:

<u>ORC</u>	<u>CMC</u>	<u>OFFENSE</u>
4511.02	502-9	Disregarding a Police Officer's Signals - Fleeing
4511.19(A)(1)		Driving Under the Influence
4511.20	506-6	Reckless Operation
4511.251	506-30	Drag Racing

4513.36

Resisting Officer During Traffic Arrest

- 2) **Or**, require the violator to post a cash bond as may be done with minor misdemeanor moving violations.
 - 3) **Or**, physically arrest the violator, mark "Physical" across the bottom portion of the citation, and complete Form 527.
 - a) When a physical arrest is necessary for a charge that would usually result in a citation, the officer will call a supervisor. The supervisor will decide if the violator will be arrested.
- d. When citing out-of-state residents for moving violations which are fourth degree misdemeanors or higher, in cases in which aggravated circumstances exist and/or police discretion so dictates, officers may:
- 1) Require the violator to post a cash bond, as may be done with minor misdemeanor moving violations, **or**
 - 2) Physically arrest the violator, marking "Physical" across the bottom portion of the citation, and completing a Form 527.
 - 3) The officer will call a supervisor when requiring a cash bond or when a physical arrest is necessary for a charge that would usually result in a citation.