



**Division of State Patrol
Policy and Procedure**

Number
10-6

Subject TRAFFIC WARNING/EQUIPMENT VIOLATION NOTICE	
Author/Originator Bureau of Field Operations	Approved by <i>Stephen Fitzgerald</i> Superintendent
Records Management Statement Supersedes P&P 10-6 dated January 29, 2009 Posted on WisDOT internal Website (SharePoint) at https://wigov.sharepoint.com/sites/dot-dsp/policy/SitePages/Home.aspx	

I. POLICY

It is the policy of the Division of State Patrol (DSP) that enforcement personnel issue warnings or violation notices for those violations of the traffic code serious enough to warrant enforcement action, yet, below arrest tolerance for the circumstances surrounding the violation. The Traffic Warning/Equipment Notice is to be used for the above purpose for traffic violations and other violations enumerated in ss. 345.11. Warnings for commercial motor vehicle violations are generally recorded in an appropriate form and manner using reports other than those described above.

II. OBJECTIVE

This policy establishes a consistent procedure for the completion, distribution, and deposition of the Traffic Warning/Equipment Violation Notice.

III. GENERAL PROVISIONS

- A. Sworn personnel are required to use the electronic Traffic and Criminal Software (TraCS) version of the Traffic Warning/Equipment Violation Notice when issuing written warnings/notices as specified in Section I of this policy. The paper version of the Traffic Warning/Equipment Violation Notice (SP4012) with handwritten entries may be used in those situations where software or hardware malfunctions or limitations prohibit using the electronic version. In such circumstances, the information from the handwritten notice shall be entered into the TraCS database within five (5) days of issuance to the violator.
- B. Use the Traffic Warning/Equipment Violation Notice (SP4012) under the following

circumstances unless a traffic citation is issued for the violation(s) in question.

1. Whenever a vehicle equipment deficiency, vehicle registration, and/or driver's license violation exists and must be corrected.
 2. For hazardous and non-hazardous violations of law, which are less than arrest tolerance.
- C. All elements of the violation necessary for successful prosecution in a court of law must be present whenever a Traffic Warning/Equipment Violation Notice is issued.

IV. PROCEDURE

A. Issuing Officer

1. Enter required and pertinent information in all sections of the electronic Traffic Warning/Equipment Violation Notice or neatly print the information on the handwritten form (SP4012) as appropriate. Record all violations for which the notice is being issued on the electronic form and use an additional form when more than ten (10) violations are being recorded. When using the handwritten form (SP4012), use an additional form when more than three (3) violations are being recorded. If applicable, check the appropriate required certification box. Officers requesting prompt repair verification should require the individual to report in person to a law enforcement officer to certify the repair(s).
2. When using the handwritten form (SP4012), have the person to whom the Traffic Warning/Equipment Violation Notice is being issued sign the notice in the appropriate space. (If the owner, not the operator, is being issued the document, have the driver sign as an agent.) If the person refuses to sign, print **REFUSED TO SIGN** in the signature block.
3. Explain what is required of the person being issued the document in order to show compliance.
4. If, when using the handwritten form (SP4012), it is necessary to have the person return the notice upon certification, inform him/her to affix appropriate postage (post card rate) and detach the end stub *before* mailing when applicable. Unstamped cards will not be delivered by the postal service.
5. If the person is required only to correct the violations indicated and self certify, advise them that they must correct the violations prior to future operation. Future operation without correction is illegal and subject to court action. *
6. If the person is directed to REPORT IN PERSON, advise him/her that *any* law

enforcement officer can certify that the corrections have been made. Indicate the date by which the corrections must be made and the notice/card must be returned. *

** It is important to indicate that non-compliance or not returning the card when indicated may subject the person to court action, i.e., a traffic citation being issued for the violation(s) noted.*

7. Give the electronic generated copy of the Traffic Warning/Equipment Violation Notice to the person. When using the handwritten version (SP4012), give the "buff" card (second copy) to the person.
8. If the violation indicated does not require certification, i.e., safety belt warning, illegal speed, etc., advise the person that they do **not** have to return the notice/card or report anywhere for verification.
9. Forward the completed original copy of the Traffic Warning/Equipment Violation Notice requiring officer certification to the appropriate designated office staff personnel at the Region/Post Headquarters if required to do so in accordance with directives outlined by the respective region/post leadership. *Note: All other Traffic Warning/Equipment Violation Notice forms not requiring officer certification do not need to be forwarded to the post by the issuing officer.*
10. If information is received indicating non-compliance, initiate appropriate enforcement action.

B. Designated Region/Post Office Staff Personnel

1. Receive the completed originals of the Traffic Warning/Equipment Violation Notice issued requiring officer certification at the Region/Post Headquarters.
2. As the mail-back notices/cards are received at the Region/Post Headquarters, file as designated by the post or forward them to the issuing officer as applicable.

If a mail-back notice/card is received at the Region/Post Headquarters that originated from a different region/post, return the card via Inter-Departmental mail to the originating region/post in a timely manner.
3. If a required "report in person" mail-back notice/card is not received at the Region/Post Headquarters by the due date indicated, a copy of the original Traffic Warning/Equipment Violation Notice will be sent to the issuing officer if applicable and, in all situations, the officer will take appropriate action.
4. Dispose of Traffic Warning/Equipment Violation Notices in accordance with

records disposal procedures.

C. First Line Supervisor

1. Periodically review subordinate's submitted electronic and paper documents to ensure accuracy, completeness and compliance with policy and procedure.
2. Initiate appropriate corrective action when necessary.

D. Supervisor of Designated Region/Post Office Staff Personnel

1. Periodically review subordinate's filing system to ensure accuracy and compliance with policy and procedure.
2. Initiate appropriate corrective action when necessary.

IV. REFERENCE

Wis. Stats. Ch. 345.11