

**TAMPA POLICE DEPARTMENT  
SPECIAL OPERATIONS DIVISION  
TRAFFIC CITATIONS  
AUDIT 18-15  
SEPTEMBER 25, 2018**



# CITY OF TAMPA

Bob Buckhorn, Mayor

Internal Audit Department

Christine Glover, Internal Audit Director

September 25, 2018

Honorable Bob Buckhorn  
Mayor, City of Tampa  
1 City Hall Plaza  
Tampa, Florida

RE: Police Department - Traffic Citations, Audit 18-15

Dear Mayor Buckhorn:

Attached is the Internal Audit Department's report on Traffic Citations.

The Police Department has already taken positive actions in response to our recommendations. We thank the management and staff of the Special Operations Division for their cooperation and assistance during this audit.

Sincerely,

/s/ Christine Glover

Christine Glover  
Internal Audit Director

cc: Dennis Rogero, Chief of Staff  
Sonya Little, Chief Financial Officer  
Ernest Mueller, Chief Assistant City Attorney  
Brian Dugan, Chief of Police  
Eli Vazquez, Assistant Chief of Police  
Lee Bercaw, Deputy Chief of Police  
Yvette Flynn, Police Major  
Carlos Rodriguez, Police Captain

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*/s/ Vivian Walker*

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Auditor

*/s/ Christine Glover*

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Audit Director

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**BACKGROUND**

The Tampa Police Department (TPD) issues citations for traffic violations within the city limits. The State of Florida (State) regulates how citations are to be documented and who is responsible for collecting the fines. The Florida Department of Transportation provided funding for agencies to acquire Traffic and Criminal Software (TraCS). TPD uses TraCS, which ensures compliance with documenting citations in the method required by the State.

Additionally, the City of Tampa (City) has a traffic infraction program – administered by TPD – that uses a red light camera system. The vendor – American Traffic Solutions, captures data, which is then reviewed by TPD Officers. Confirmed violations (by TPD) are then communicated to the offender by mail.

**STATEMENT OF OBJECTIVES**

This audit was conducted in accordance with the Internal Audit Department's FY2018 Audit Agenda. The objectives of this audit were to ensure that:

1. The system of internal controls for segregation of duties between citation issuance and payment is adequate.
2. The City complies with Florida Statute 316.650(3) by remitting mandatory court and criminal citations to the Hillsborough County Clerk of Court (Clerk) within 5 days.

**STATEMENT OF SCOPE**

The audit period covered traffic citation activity that occurred from October 2017 to May 2018. Tests were performed to determine whether TPD personnel were fulfilling their stated duties and responsibilities in an effective and efficient manner. Original records as well as copies were used as evidence and verified through observation and physical examination.

**STATEMENT OF METHODOLOGY**

Internal controls related to the segregation of duties were reviewed for citation issuance, payment, and dismissal. The statutes require payment of citations to be made to the applicable agencies' Clerk of Court. Internally, dismissals are processed by a Police Community Service Officer (CSO).

Mandatory court and criminal citations issued during the audit period were selected using audit command language and the criteria of 90% confidence and 10% error rate. The selected citations were traced to an internally generated transmittal to evaluate timeliness of remittal to the Clerk. Timeliness was determined by comparing the citation issuance date with the date the Clerk recorded the citation as being received.

**STATEMENT OF AUDITING STANDARDS**

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

**AUDIT CONCLUSIONS**

Based upon the test work performed and the audit findings noted below, we conclude that:

1. The system of internal controls for segregation of duties between citation issuance and payment is adequate.
2. The City does not always comply with Florida Statute 316.650(3) by remitting mandatory court and criminal citations to the Clerk within 5 days.

## **UNTIMELY REMITTAL OF CITATIONS**

**STATEMENT OF CONDITION:** TPD uses TraCS to record traffic citations electronically. Florida Statute requires law enforcement agencies to “deposit” issued citations to the Clerk having jurisdiction. Daily, issued electronic citations are automatically uploaded to the Florida Department of Highway Safety and Motor Vehicles (DHSMV). The Clerk subsequently downloads them from the DHSMV into their database. However, citations that are issued for a mandatory court or criminal offense require the violator to sign the citation and provide a thumbprint. Additionally, the State Attorney requires a hard copy of the citation; therefore, they are not processed electronically to DHSMV’s database but are hand-delivered to the Clerk’s office.

The current process followed by TPD is that the CSO (District or Special Operations) prepares a transmittal form listing all citations turned in by the Officers. The next business day, the Support Specialist delivers the transmittal form and attached citations to the Clerk.

The Clerk provided a listing of City issued citations received from October 2017 through May 2018. A comparison between the issuance date and the date received by the Clerk reflected that the City was not complying with the five day requirement. The City had 764 (17%) citations that exceeded the requirements.

In order to determine if there had been any comments to explain non-compliance with the 5 day requirement, a sample of the 764 citations was selected using audit command language software and the criteria of 90% confidence and a 10% error rate. The selected citations were provided to the Special Operations CSO and the applicable transmittal form was provided. For the selected sample, only one citation had a note that provided an explanation on the delay.

In reviewing the transmittal forms, it was observed that multiple citations were listed and the issue date for the citations varied. Therefore, an additional comparison was performed to determine the number of days between all citations listed and that specific transmittal form date. There were a total of 267 citations on the transmittal forms reviewed. Ninety (34%), of the 267 citations listed, had an issue date that was more than 5 days prior to the transmittal date. This lapse in number of days would have resulted in the citations being out of compliance at the time the transmittal form was prepared.

**CRITERIA:** Florida Statute 316.650 Traffic Citations requires "each traffic enforcement officer, upon issuing a traffic citation to an alleged violator . . . shall deposit the original traffic citation . . . to a court having jurisdiction over the alleged offense . . . within 5 days after issuance to the violator." The statute excludes citations related to tolls and traffic infractions (red light cameras).

**CAUSE:** Management indicated that Tampa Police Officer's schedules include four consecutive days off. This can create a delay in remittal of citations to the Clerk if the issued citations aren't submitted to the District before their days off. Additionally, there is currently no reporting structure in place to identify when citations remitted did not comply with the five day requirement.

EFFECT OF CONDITION: Non-compliance with the statute could result in dismissal of the citation by a Judge. According to an Assistant City Attorney, citations that were not submitted to the Clerk within the five day requirement, if requested, 90% of the time, a judge will dismiss the citation.

RECOMMENDATION 1: Management should develop a process to ensure timely remittal of mandatory court and criminal offense citations to the Clerk in compliance with Florida Statute 316.650 (five days). The process should include documentation to support any extenuating circumstances for non-compliance in order to prevent dismissal of the citation by the court.

MANAGEMENT RESPONSE: The Police Department agrees with the recommendation. SOP 634 has been updated to streamline the processing of citations, and IDP 300.10 has been updated to ensure that District Support Specialists make daily trips to the Clerk of the Court's office.

TARGET IMPLEMENTATION DATE: The policy updates have been made and a workflow review has been initiated. The policies should be approved within a month.

## **STANDARD OPERATING PROCEDURES (SOP)**

**STATEMENT OF CONDITION:** TPD's documented policies do not reflect their current practice for citation issuance or dismissals.

### *Citation Issuance*

SOP 634 II.B.3. indicates that the Officer is to "timely" submit the citation to "his or her supervisor and any cancellation or editing of the citation, if necessary." However, the primary method for issuing citations is through the TraCS database, which does not require Supervisory review or permit the cancellations.

### *Citation Dismissals*

SOP 634 II. I. requires the Officer to make the request for dismissal of a citation to their "Captain or designee" and depending on the type of violation the request is to be made to either the State Attorney or County Court Judge. However, the current practice is for requests to be made to the Special Operations CSO. The current practice is an inefficient process. The inefficiency is created by the request being initiated with the Special Operations CSO (outside of the District), going to the District for approval, and then returned to the Special Operations CSO.

### *Red Light Program*

Also, it was noted that there are no written procedures for the red light camera program. However, Florida Statute 316 documents how the program is to be administered.

**CRITERIA:** Written policies and procedures are required per City Code reference 2-46 "Duties of departments." The code requires that "departments shall create and maintain all records . . . together with the functions, policies, decisions, procedures, and essential transactions, of the department."

As stated above SOP 634 establishes the process to be followed for dismissals.

**CAUSE:** New Management within the area has not had an opportunity to update the procedures. For dismissals, the prior Division Management assigned the responsibility to the Special Operations CSO in order to ensure the proper process was followed when submitting a dismissal request to the Clerk.

**EFFECT OF CONDITION:** Non-compliance with the statute could result in dismissal of the citation by a Judge. No policies and procedures for the red light camera program result in a lack of adherence to City Code.

**RECOMMENDATION 2:** Management should consider following the written SOP 634 process for dismissals. If it is determined to continue the "current practice," the SOP should be updated. In order to avoid any delays if the Special Operations CSO is unavailable a back-up should be trained on how to process dismissals.

Additionally, procedures should be developed that document the red light camera program as administered by TPD.

MANAGEMENT RESPONSE: The department agrees that SOP 634 needs to be amended to reflect the current practice and that cross-training should occur. The Officer's Captain or designee will approve the dismissal of a citation and forward the request to the Special Operations Division CSO, who is the department's point of contact with the Clerk of the Circuit Court for this purpose. The CSO will ensure that the citation is properly dismissed by following the guidelines set by the Clerk of the Circuit Court's Office. The CSO will not unilaterally engage in the dismissal of citations without receiving authorization from the Officer's Captain or designee, so a managerial review will take place to ensure that the citation is being dismissed for proper reasons. The Special Operations Division OSSIV will be cross-trained to perform the functions of the CSO in the event that the CSO is not available due to being on leave. The procedure for taking citations in front of a County Court Judge for dismissal no longer applies. The 13th Judicial Circuit and Clerk of the Circuit Court no longer follow this process for dismissal of citations, so it is not possible for the department to adhere to this portion of the policy. This section will be removed from the amended SOP.

A standard operating procedure documenting the administration of the red light camera program has also been authored.

TARGET IMPLEMENTATION DATE (RECOMMENDATION 2): The SOP has been amended and is in the approval queue in the PowerDMS application. It will likely will be reviewed and approved within 30-60 days. They must now go through a workflow approval process, which should take between four to six weeks.