

GENERAL INFORMATION FOR TRAFFIC COURT

**The Defense Services Organization (DSO) does not provide legal assistance for matters pertaining to Traffic Court.
The information provided in this document is not intended to serve as legal advice. **

TRAFFIC COURT TICKET PROCESSING:

Japanese Traffic Ticket: The Japanese national police issue standard Japanese traffic tickets. Tickets are forwarded to Japanese Police Liaison (JPL) at the Provost Marshal's Office, who then forwards them to the traffic court section. The traffic offenses identified in the tickets are subject to adjudication in Traffic Court, regardless of any "official duty" certificate issuance for traffic violations on or off base. Contact the JPL section for processing at DSN: 645-2259/2238 or 098-970-2238/2259. After processing is completed with JPL, individuals **must** contact the traffic court section for processing.

Armed Forces Traffic Ticket: Military Police use the DD FORM 1408 (Armed Forces Traffic Ticket) to record traffic/parking violations. When the MP issues a citation for violations that occur, on or off base, the original ticket is forwarded to the traffic court section for processing.

TEMPORARY SUSPENSION OF DRIVING PRIVILEGES:

Military Police and Japanese Authorities (if applicable) may temporarily suspend driving privileges when there is probable cause that an alleged offender: has committed an offense that requires mandatory suspension or revocation; is suspected of DUI, DWI; has refused to submit to a breathalyzer or chemical test; has operated a vehicle with expired registration documents; or has committed other violations as outlined in MCIPAC-MCBBO 5560.2B.

Temporary suspensions will remain in effect until the alleged offender is properly adjudicated at traffic court. Any time served in a non-driving status awaiting the traffic court adjudication will be credited "day-for-day" to any suspension or revocation period imposed as "time served." If a temporary suspension is initiated by a commanding officer, the service member must provide the TCO with documentation of the suspension to receive credit to any suspension or revocation period imposed by the TCO.

ENTRY OF PLEAS:

Traffic Court Pleas: Individuals may plead "guilty," "not guilty," or "no contest" to the traffic court clerk. You **must** email the traffic court section within 7 business days of receiving the ticket and provide the following information:

CITATION NUMBER: (USMCXXXXXX)
DATE OF OFFENSE:
REASON FOR CITATION (BOX 15):
CAMP/BASE IT WAS RECEIVED ON:
ISSUING MP:
YOUR PRIMARY EMAIL AND PHONE NUMBER:
UNIT/OR SPONSOR INFORMATION (IF A DEPENDENT):
SNCO (if applicable):
YOUR PLEA: (guilty/no contest/not guilty)

Guilty/ No Contest Pleas: Individuals who plead "guilty" or "no contest" may submit statements relevant to the circumstances of their case and its disposition. The Traffic Court Officer (TCO) will assess the available records, evidence, statements, and the individual's driving record to determine the appropriate administrative action in accordance with MCIPAC-MCBBO 5560.2B, Enclosure (1).

Not Guilty Pleas: Individuals who wish to contest their citation may enter a plea of "not guilty." The traffic court section will provide a traffic court hearing date within 10 business days after the "not guilty" plea is received.

Mandatory Appearances: Violations that require a mandatory court appearance before the TCO include Driving Under the Influence, Driving While Intoxicated, Refusal to Submit to A Chemical Test, Fleeing the Scene of an Accident, Excessive Speeding, and all other violations provided in MCIPAC-MCBBO 5560.2B. For violations that require a mandatory appearance, the traffic court section will notify the alleged violator and assign a date for the individual to appear before the TCO. The service member's command will also be notified of the assigned traffic court date.

Individuals who do not wish to contest a violation that requires a mandatory court appearance may plead "guilty" or "no contest" before the hearing. If a plea of "guilty" or "no contest" is received, the TCO will adjudicate the matter and impose the mandatory sanction for the offense as provided under MCIPAC-MCBBO 5560.2B, Enclosure (1).

*All traffic court records/statements are forwarded to the service member's command. Administrative actions taken by the TCO do not preclude other administrative or disciplinary actions available to commanders.
All service members have the right to legal assistance regarding any disciplinary actions taken.*

Traffic Court Section: (DSN) 645-0459/2879

***Email: mcbpac.mcbbutler.tra@usmc.mil**

<https://www.mcbbutler.marines.mil/Base-Information/Provost-Marshals-Office/Traffic-Court/>

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RIGHTS ACKNOWLEDGEMENT:

Individuals attending traffic court have the following rights during the hearing process:

- (1) To make a statement or remain silent.
- (2) To present all reasonably available witnesses or documents.
- (3) To question any adverse witnesses, if reasonably available, to include the issuing MP.
- (4) To be represented by a spokesperson if spokesperson is available at the time of the hearing.
- (5) To appeal the decision of the TCO.

Unit representation is required for all service members E-4 and below, regardless of branch.

ADMINISTRATIVE ACTIONS FOR NO-SHOWS:

Failure to Contact Traffic Court Section: Failure to contact the traffic court section will result in the entry of a "guilty" plea. The TCO will adjudicate the matter based on MP records, available evidence, and the individual's driving record in accordance with MCIPAC-MCBBO 5560.2B, Enclosure (1).

Failure to Appear to Traffic Court Hearing: Individuals unable to appear on time to the scheduled traffic court date **must** notify the traffic court clerk at least **three business days** before the scheduled court hearing to schedule a new date. Failure to appear at the traffic court hearing, without proper notification or other reasonable cause, may result in a "no contest" plea and the TCO may adjudicate the matter based on MP records, available evidence, and the individual's driving record in accordance with MCIPAC-MCBBO 5560.2B, Enclosure (1). Notifications will be sent to the service member's command regarding the members failure to appear and the administrative action taken by the TCO.

Waiving Appearance: Waiving your appearance for a scheduled traffic court hearing may result in a "guilty" plea and the waiver of the right to appeal. The TCO will adjudicate the matter based on MP records, available evidence, and the individual's driving record in accordance with MCIPAC-MCBBO 5560.2B, Enclosure (1).

TRAFFIC COURT HEARING PROCESS:

Requesting MP Appearance: Individuals who desire the MP who issued the Armed Force Traffic Ticket to appear at the hearing, must notify the traffic court section with the request at least five business days before the scheduled hearing.

Supporting Evidence: Individuals may present evidence on their behalf for consideration by the TCO at the hearing, which includes all reasonable available documents, witnesses, or other evidence relevant to the alleged violation.

Determining the Violation: During the traffic court hearing, the TCO will determine whether an alleged violation is substantiated by a preponderance of the evidence. The TCO will adjudicate the matter based on MP records, available evidence, and the individual's driving record in accordance with MCIPAC-MCBBO 5560.2B, Enclosure (1).

TRAFFIC COURT ADMINISTRATIVE ACTIONS:

Notification of Adjudication: After adjudication by the TCO, individuals will be notified of the administrative action taken by the TCO. The service member's command will also be notified of the adjudications by the traffic court.

Administrative Actions: Administrative actions may include dismissal of charges; issuance of warnings; assessment of points; suspension or revocation of driving privileges; assignment to remedial driving training; and/or assignment to a drug/alcohol treatment and rehabilitation program.

Suspension or Revocation under the Traffic Point System: Each violation is assessed a certain number of points. Accumulating 12 points in 12 months or 18 points in 24 months requires the mandatory suspension or revocation of driving privileges. *12 points incur a 6-month suspension, and 18 points incurs a 1-year revocation. *

Appeals: Individuals have the right to appeal the decision of the TCO. However, the administrative action imposed by the TCO will remain in effect pending appeal. Appeals **must** be made in writing within 10 calendar days after the traffic court date imposing the action. Contact the traffic court section for additional information and guidance on submitting an appeal.

Restricted Driving Privileges: After adjudication by the TCO, individuals may request restricted driving privileges for extenuating circumstances during the suspension or revocation period. Contact the traffic court section for additional information and guidance on submitting such request.

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All service members have the right to legal assistance regarding any disciplinary actions taken.

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