



Missouri Highways and Transportation Commission Policies

Category: LEGAL ISSUES
Subcategory: Attorney Defense
Sub-Subcategory: Representing Employees for Traffic Violations

REPRESENTING EMPLOYEES FOR TRAFFIC VIOLATIONS

Should an employee, while conducting department business, receive a ticket for a traffic violation, a department attorney will contact ticketed employee to discuss the matter advising that the attorney represents the Commission, not the employee. If the employee intends to fight the ticket, counsel will recommend that private counsel be retained by the employee at the employee's expense. If the employee intends to defend himself, counsel will advise the employee of his/her rights and be available for reasonable consultation. Counsel will not represent the employee in court except in exceptional cases as determined by the Chief Counsel, in which the best interests of the Commission and employee will be served by such representation. Counsel will also represent the employee when the ticket was issued as a result of the condition of the state equipment or as a result of special working conditions. The employee will be required to execute a written consent letter on which the employee indicates his intent with regard to the ticket.

If the employee intends to plead guilty to the offense or a reduced offense either initially or at any time until final disposition of the ticket, counsel will advise the employee not to plead guilty to a charge which is contrary to the facts and which will be detrimental to the best interests of the Commission. The employee will be advised to enter an Alford plea or the equivalent if some similar alternative is allowed by the local court. If such plea is not permitted by the court, the employee will be advised that he/she may plead guilty to an offense which is supported by the facts in the opinion of Commission counsel. Counsel will further advise that pleading guilty to a charge which is not supported by the facts and which is detrimental to the best interest of the Commission may result in disciplinary action.

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