

COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

TRAFFIC ENFORCEMENT FUNCTION AND RESPONSIBILITY

Approved By: Geoffrey Jones Chief of Police

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500 TRAFFIC ENFORCEMENT FUNCTION AND RESPONSIBILITY

500.1 PURPOSE AND SCOPE

The purpose of this written directive is to:

- a. Establish uniform procedures for taking enforcement action incidental to traffic law violations, to include: physical arrest, citation (notice to appear), and warnings;
- b. Establish procedures for handling traffic law violations committed by nonresidents of our service area, juveniles, legislators, foreign diplomats/consular officials, and military personnel;
- c. Require at the time a motorist is charged with a violation, the officer provides information relative to the specific charge, to include: court appearance schedule, optional or mandatory nature of court appearance by the motorist, notice of whether a motorist is allowed to enter a plea and/or pay the fine by mail or at a traffic violations bureau, and other information that must be provided to the motorist upon release;
- d. Establish uniform enforcement policies for traffic law violations, to include: operation of a vehicle by a person under the influence of alcohol/drugs, operation of a vehicle by a person whose driving privileges have been suspended or revoked, moving violations, non-moving violations, public carrier/commercial vehicle violations, multiple violations, newly enacted laws and/or regulations, violations resulting in a traffic collision/crash, and pedestrian and bicycle violations;
- e. Govern traffic law enforcement practices to include: visible traffic patrol, whether area, line, or directed, and stationary observation, covert and overt; and
- f. Establish procedures for the identification and referral of drivers recommended for re-examination by licensing authorities.

500.2 DEFINITIONS

Minor traffic violation/offense- A municipal traffic ordinance violation or State traffic violation that does not involve a traffic crash or injury, that does not involve the operation of a commercial motor vehicle, and for which no points are assessed by the department of revenue or the department of revenue is authorized to assess [no more than] one to four points to a person's driving record upon conviction. Minor traffic violation shall exclude a violation for exceeding the speed limit by more than nineteen miles per hour or a violation occurring within a construction zone or school zone.

500.3 POLICY

The goal of traffic law enforcement is to reduce traffic collisions and improve the safety and quality of life for everyone in our community. The Columbia Police Department will use enforcement practices, coupled with good judgment, and consideration for the circumstances and conditions at the time of a violation, to ensure appropriate action is taken. These actions should foster the public's trust in our department's traffic enforcement practices while increasing voluntary compliance by motorists, bicyclists and pedestrians. Policies and procedures have been provided in this directive for achieving this goal.

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500.4 TRAFFIC ENFORCEMENT PROCEDURES

The Columbia Police Department uses data collected within the department's computer systems along with information gathered from employees, outside traffic sources, mobile radar trailers, and community members in making decisions regarding traffic enforcement activity.

All officers assigned to patrol or traffic enforcement functions (if available) will emphasize enforcement of traffic laws and address hazardous moving violations during those periods and at those locations where the incidence of collisions is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators (§ 300.075, RSMo). Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

Generally, the department will not engage in covert traffic enforcement activities and generally will not conduct traffic enforcement in plain clothes and in unmarked vehicles. Officers should maintain high visibility while conducting proactive traffic enforcement activities, especially at high-collision incidence locations, in their areas.

Stationary observation, and covert traffic operations may be necessary in areas identified through reviews of the above data. These operations should be approved by a Watch Commander or supervisor if a Watch Commander is not available. Officers conducting the actual traffic stops in these operations should be in marked police vehicles unless specific circumstances of the operation rely on the use of an unmarked vehicle or the stop is being conducted by a sworn officer in an unmarked vehicle equipped with emergency lights and siren. All officers making the actual traffic stop shall be in police uniform and identifiable as a police officer when making face to face contact with the driver.

Blanket saturations other than DWI saturations are not permitted. Any traffic stop conducted by a member of the Columbia Police Department, including those made during a targeted enforcement activity, will be based on articulable reasonable suspicion that a crime or traffic offense/infraction has been or is being committed.

All Investigative Stops, including those made during a saturation activity, will be based on, at a minimum, intelligence based and articulable reasonable suspicion.

The Columbia Police Department does not establish ticket quotas. Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. Officers should, within good reason, take appropriate enforcement action, for each traffic violation observed or reported to them.

An attempt by an officer to enforce a traffic violation should not in itself cause a threat to the safety of others greater than the threat posed by the offending motorist.

Enforcement actions shall be delivered in a fair, impartial and courteous manner. Options for enforcement actions include physical arrest, citation/notice to appear, written warning, and verbal warning. The following are guidelines for these traffic enforcement options:

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500.4.1 PHYSICAL ARREST

Although officers are authorized to use written and/or verbal warnings and citations in lieu of arrest to resolve minor traffic violations when appropriate (policy 420 ARREST AND BOND POLICY/PROCEDURES), the following traffic violations should result in the physical arrest of the offender:

- a. Any felony traffic violation except DUS/DUR (unless chronic/habitual see 500.5.2.e).
- b. Driving while intoxicated (under certain circumstances, DWI Unit officers may make a physical arrest of an offender and conduct a complete municipal DWI or BAC ordinance violation investigation, while roadside, and release the offender from the scene on a citation/notice to appear without transporting the offender from the scene).
- c. Other misdemeanor traffic violations may result in the arrest of the offender (e.g. the person does not have adequate proof of identification to verify their identity to be issued a citation), with the exception of a minor misdemeanor traffic violation that was not committed in the officer's presence.
 1. All methods available for identification should be used on scene prior to taking the individual into custody for fingerprints at CPD.

All decisions regarding physical arrests are based on probable cause and sound judgment. Any deviations from the above guidelines should be made with the approval of a shift supervisor. Barring a need for medical or psychological examination, physical arrest should include, at a minimum, transporting the offender to the Columbia Police Department or Boone County Jail for collection of fingerprints and booking photographs. Under certain circumstances, DWI Unit officers may make a physical arrest of an offender and conduct a complete municipal DWI or BAC ordinance violation investigation, while roadside, and release the offender from the scene on a citation/notice to appear without transporting the offender from the scene.

Guidelines for bond or signature release are contained in policy 420 ARREST AND BOND POLICY/PROCEDURES.

500.4.2 TRAFFIC CITATION/NOTICE TO APPEAR

Generally, officers should use a traffic citation/notice to appear in lieu of taking a person into custody for minor traffic offenses, unless the subject poses a danger to the community, themselves, is unlikely to appear in court, or cannot produce adequate proof of identification to be released on a citation.

Generally officers issue citations in reference to violations they witness or are related to a traffic crash. Officers may issue a citation to a violator in response to a traffic complaint in which they did not observe. To do so, the complainant must be able to provide identifying information and a description for the driver and vehicle and must be willing to appear in court as a witness. In cases where a description of the driver is not available, the officer may send a Careless and Imprudent (C & I) Notification Letter (located in PowerDMS) to the registered owner of the vehicle as a warning that their vehicle was observed in violation of traffic laws. If a C & I letter is completed, the officer should complete a CAD entry documenting the source of the complaint and all pertinent information.

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500.4.3 TRAFFIC CITATION SERVICE PROCEDURE

At the time a motorist is issued a citation for a traffic offense, the citation will include:

- a. The date, time, and location of the scheduled court appearance.
- b. The date, time, and location of the alleged traffic offense.
- c. Information regarding the alleged offense.
- d. Accurate and updated information for the offender to include residence, employer and telephone numbers or email address.
- e. Offender's vehicle information.
- f. The officer's name and badge number or other identifying number.
- g. The phone number of the respective court.

In addition, it is essential that the officer fully explain the rights and requirements imposed on motorists upon arrest or issuance of a citation for a traffic violation. The officer should notify the offender if a court appearance is mandatory or optional. If the offender is allowed to enter a plea and/or pay the fine out of court, the officer should provide the offender with an informational envelope supplied by the court.

500.4.4 WARNINGS AND STOPS WITHOUT CITATION OR ARREST

Written or verbal warnings should be considered in minor traffic offenses and substituted for arrests or citations when circumstances warrant. In circumstances that do not result in an arrest, citation or written warning, the officer should provide a business card that contains at a minimum the information outlined in the Bias-Free Policing policy (name, division, badge or other identification number, and phone number).

500.5 SPECIFIC TRAFFIC OFFENSE GUIDELINES

Uniform enforcement of traffic law violations supports the ultimate goal which is to achieve voluntary compliance with traffic laws and regulations thus reducing the number of collisions and improving roadway safety. The following guidelines for specific offenses should not supplant the judgment and discretion of police officers as it is impossible to foresee every conceivable situation involving traffic violations. In many circumstances, officers must decide what enforcement, if any, is appropriate on the basis of a combination of training, experience, and the facts available to the officer at the time of the offense.

500.5.1 DRIVING WHILE INTOXICATED

The Columbia Police Department is committed to the safety of our roadways and the community and will pursue fair but aggressive enforcement of Missouri's impaired driving laws. Generally, officers should arrest a driver found to be in violation of these laws. Combined factors such as observed driving performance, involvement in a crash, performance on standardized field sobriety tests, and observations of a driver's demeanor are considered and will usually determine the decision to arrest.

Patrol officers and officers assigned to the DWI unit are trained and familiar with DWI detection, administration of standardized field sobriety tests, and the operation of the breath test instrument currently used by our department. Impaired driving investigations, arrests, and reports can be complex and may

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require specialized collection of certain evidence or the assistance of specially trained officers such as a Drug Recognition Expert.

Complete guidelines and procedures specific to impaired driving investigations, arrests and evidence collection are located in Policy 514 IMPAIRED DRIVING AND EVIDENCE COLLECTION.

500.5.2 NO-DRIVING PRIVILEGES OFFENSE HANDLING PROCEDURES

During traffic stops or crash investigations, officers frequently encounter drivers who are unable to produce a valid driver's license. This could be due to various actions not only of the driver, but also of the court, and or governmental agencies responsible for licensing. In addition to the other duties performed during the contact with a driver, the following procedures should be used when handling these situations:

- a. Check the driver through the Missouri Uniform Law Enforcement System (MULES), and the National Crime Information Center (NCIC), by name and date of birth or by driver's license number, for current status of driving privileges.
- b. If the driver has a valid license, then the officer's actions should be dictated by the initial violation or reason for contact.
- c. If the driver does not have a valid driver's license through MULES, the officer should determine if the driver was ever issued a license through this state or another state of residency.
- d. If it is determined that no license was ever issued, the officer should cite the driver for "no operator's license". The driver should be released at the scene on a signature promise to appear unless circumstances exist that would mandate a physical arrest (e.g. other charges requiring arrest, danger to themselves or others, history of failure to appear in court, unable to verify identity).
- e. If the driver was issued a license from this state or their state of residence, and their driving privileges have been suspended or revoked, the officer should cite the driver for "driving while suspended or revoked". The driver should be released at the scene on a promise to appear unless circumstances exist that would mandate a physical arrest (listed above). Extreme circumstances may exist such as a chronic or habitual offender of DUS/DUR where a custodial arrest would be reasonable. In arrest situations, release of the subject should follow the guidelines in policy 420 ARREST AND BOND POLICY/PROCEDURES.
- f. In either situation, the driver should not be allowed to drive away from the location of the traffic stop, and arrangements should be made to have another licensed driver remove the vehicle.
- g. If the driver is taken into custody, the vehicle need not be towed if legally parked and no other need exists to tow the vehicle. Officers should follow guidelines provided in policy 510 VEHICLE TOWING AND RELEASE.

500.5.3 SPEED VIOLATIONS

Columbia Police Officers who have been trained in the use of speed measuring devices may use these tools to conduct speed enforcement within our jurisdiction. The use of speed measuring devices is encouraged in areas with a high occurrence of traffic crashes where speed is a factor, in areas where speed violations are prevalent, and in response to citizen complaints.

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Consideration should be given to weather conditions, traffic volume, pedestrian traffic, and location. Officers should remember there is a direct correlation between excessive speed and traffic crashes. Officers are entrusted to use discretion in deciding whether a warning or citation is appropriate.

The following guidelines pertain to the use of speed measuring devices (does not include certified calibrated speedometers in patrol vehicles):

- a. Only officers trained in the use of particular speed measuring devices may use them for enforcement purposes.
- b. Officers must verify the accuracy of the Speed measuring device at the beginning and end of each shift using a tuning fork manufactured for use with the instrument.
- c. The frequency of each tuning fork should be verified at least annually to ensure the frequency is within the specified range. Verification should be completed using methods described in training. Each verification should be maintained in a log which is kept by the officer.
- d. Pacing may be used as a means of estimating a vehicles speed.

500.5.4 OTHER MOVING VIOLATIONS

In addition to DWI and speed violations, there are many other traffic offenses that are considered moving violations. The following are examples of common moving violations:

- a. Following too close.
- b. Running a red light or stop sign.
- c. Failure to yield.
- d. Failure to maintain a single lane of traffic.

This is not an all-inclusive list. As with other violations, the goal of enforcement is to gain voluntary compliance with the traffic laws to improve the safety of our roadways and community. Consideration should be given to weather conditions, traffic volume, pedestrian traffic, location and drivers prior driving history. Officers are entrusted to use discretion, based on the above factors, in deciding if a warning or citation is issued for all moving violations that do not involve a crash.

500.5.5 NON-MOVING AND/OR EQUIPMENT VIOLATIONS

The following are common examples of non-moving violations:

- a. Improper registration.
- b. Expired registration/license plates.
- c. No registration/license plates.
- d. No tail lights.
- e. Improper exhaust or muffler.
- f. Derelict auto/abandoned vehicle on public right of way.
- g. Improper parking.
- h. Handicap parking.
- i. Failure to use seat belt.
- j. Operating a vehicle with inoperable license plate lamps.

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- k. Defective windshield/vision obscuring material.

This list is not all inclusive. Non-moving and/or equipment violations (with the exception of seat belt violations) may be resolved by a warning. Discretion should be used by the officer keeping in mind that subsequent and/or repeated violations may warrant a citation.

500.5.6 PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS

Commercial/public carriers are treated the same as the general motoring public. Uniform traffic enforcement policies and procedures delineated in this directive are applicable to the commercial/public carrier.

500.5.7 POLICY FOR MULTIPLE VIOLATIONS

When multiple traffic violations are observed, the officer should consider each violation and its relationship to the others before deciding on enforcement action. If the officer decides to issue a citation(s), the following guidelines should be followed:

- a. For equipment violations, generally, one citation should be issued unless a specific violation warrants a separate citation.
- b. For moving violations, one citation may be issued for each violation if the violations are not inclusive of one another, and each violation is serious enough to warrant a separate action. Generally, in such situations one citation is issued for the most serious violation. If several violations occur within a short period of time, one citation for careless and imprudent driving may be issued listing the multiple violations.
- c. Citations for secondary violations (seat belts, distracted driving) may be issued to drivers who are stopped for a primary offense.

500.5.8 POLICY FOR VIOLATIONS RESULTING IN A TRAFFIC CRASH

Generally, the Columbia Police Department does not take reports on traffic crashes that do not result in an observed or reported injury, a vehicle that is damaged to the point it requires a tow vehicle to be removed from the scene, extensive property damage other than vehicles, or involve a government owned vehicle (policy 502 TRAFFIC CRASH RESPONSE AND REPORTING).

If the circumstances of a crash are such that require a crash report and investigation, the officer investigating should issue citations for violations contributing to the crash or any other violations, moving or non-moving, which are appropriate.

500.6 PEDESTRIAN AND BICYCLE VIOLATIONS ENFORCEMENT

In order to ensure the safe flow of pedestrian and bicycle traffic, it is important to enforce the laws pertaining to both. Officers should take appropriate enforcement action when and where pedestrian or bicycle violations are observed. Enforcement actions should be commensurate with pedestrian and bicycle crash rates with emphasis on times and locations as determined through analysis of crash reports.

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500.6.1 PEDESTRIAN ENFORCEMENT PROCEDURES

Enforcement of traffic laws pertaining to pedestrians necessitates broad discretion by the officer. To provide guidance in exercising this discretion, the following procedures are established which should result in a more uniform, and consistent, application of the law:

- a. Officers will concentrate their enforcement efforts on pedestrian violations in those areas where pedestrian crashes with vehicles have been frequent.
- b. Prior to any substantial increase in enforcement efforts directed towards pedestrian traffic, the CPD will conduct reasonable publicity and community awareness campaigns.

500.6.2 BICYCLE ENFORCEMENT PROCEDURES

The use of bicycles as a means of transportation in the City of Columbia results in an increased potential for vehicle v. bicycle crashes. The role of the police includes the enforcement of laws relating to the safe operation of bicycles. Like pedestrian violations, officers of this department are allowed discretion regarding the enforcement of these laws. To provide guidance in exercising this discretion, the following procedures are established which should result in a more uniform, and consistent, application of the law:

- a. In areas with a substantial flow of bicycle, pedestrian and vehicular traffic, and where hazardous moving violations involving persons operating bicycles, the applicable traffic laws and municipal ordinances should be enforced.
- b. In those areas where traffic flow is minimal, visibility is unobstructed, and bicycle crash incidents are low, officers should exercise discretion in the enforcement of laws regarding the safe operation of bicycles.
- c. When possible, officers who encounter juvenile offenders should be more lenient in enforcement and more instructive in their response, as juveniles may not be fully aware of their responsibility in the safe operation of bicycles.

500.7 POLICY FOR NEWLY ENACTED TRAFFIC LAWS

Absent any directives to the contrary or other extenuating circumstances, it will be the policy of this department to issue a warning for violations of a newly enacted or amended traffic law for a thirty day time period following the effective date.

500.8 SPECIAL/UNIQUE VIOLATOR PROCEDURES

The following are procedures for handling situations involving special or unique violators, which, by legislative mandate, require a law enforcement response that differs from the response under normal circumstances.

500.8.1 NON-RESIDENT TRAFFIC VIOLATORS

If an officer issues a traffic citation for a minor misdemeanor traffic violation, and the violator does not live within the jurisdiction of the Boone County Circuit Court or Columbia Municipal Court, the officer may do one of the following:

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- a. If the driver does not have a valid Missouri Drivers License, the officer will release the violator on a signature summons unless the officer reasonably believes:
 1. The violator will not appear for their assigned court date /time.
 2. Does not feel they can adequately identify the person for issuance of a citation.
- b. If the driver is taken into custody, officers should follow guidelines established in policy 420 ARREST AND BOND PROCEDURES for determining if a bond will be set and if so the appropriate amount.
- c. Residents of states belonging to the Non-Resident Violator's Compact are issued a citation and, contingent of signing the citation, released. If the violator indicates by refusal to sign the citation or other means, that he/she will not appear in court or otherwise take care of the citation, they may be taken into custody and released according to guidelines in policy 420 ARREST AND BOND PROCEDURES.

500.8.2 MILITARY PERSONNEL

Military personnel are handled the same as any other person. Special consideration should be given if enforcement action would disrupt on-going military operations. In such an instance, depending on the circumstances and specific violation, the officer may decide to contact the driver at a later time or decide not to pursue enforcement action.

500.8.3 FOREIGN DIPLOMATS/CONSULAR OFFICIALS

See policy 422 DIPLOMATIC AND CONSULAR CONTACTS for guidelines and procedures in handling foreign nationals, diplomats and consular employees and the various levels of immunity.

500.8.4 UNITED STATES CONGRESSMEN/STATE LEGISLATORS

- a. **Members of the United States Congress** are, in all cases except treason, breach of the peace, or a felony, exempt from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same, or for any speech, or debate, in either house. They are not questioned in any other place.
- b. **Members of State Legislatures**, in some cases, have the same immunity granted to members of Congress. The common law prevails, which privileges them from arrest while attending, going to or returning from a session of their respective Houses.

When persons privileged from arrest are stopped for a traffic violation, the officer, upon being advised by the driver of their status, and confirming they possess the proper credentials, should exercise discretion based on the nature of the violation. The officer may issue a warning of the danger of their actions, or issue a citation. Issuance of a traffic citation does not constitute arrest, or detention, in the sense referred to above.

When a person privileged from arrest is found to be intoxicated, or without driving privileges, the officer's primary responsibility is to care for the safety of the individual, and the public. Based upon a determination of the circumstances, the following options are available:

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- a. Take him or her to the police department to complete applicable paperwork, and arrange for their immediate release to a responsible party.
- b. Allow him or her to call a friend or relative to come for them.
- c. Take him or her home, or to their destination, if it is within the jurisdiction of the Columbia Police Department.

The individual should not be handcuffed, unless there is a safety concern for the individual or officer, or subjected to standardized sobriety tests. The individual should be treated with respect and courtesy.

500.8.5 JUVENILE TRAFFIC VIOLATORS

Generally, juveniles fifteen (15) and older who have committed a misdemeanor traffic violation are not taken into custody and are issued a traffic citation.

If a juvenile is taken into custody, the officer should notify the juvenile authorities as soon as possible and follow the guidelines set forth in policy 324 TEMPORARY CUSTODY OF JUVENILES.

500.9 RE-EXAMINATION OF DRIVERS

Routine enforcement practices and crash investigations sometimes lead to the discovery of incompetent drivers. Physical or mental disability, disease or other conditions may prevent a person from exercising reasonable and ordinary care while operating a motor vehicle. The following are procedures for initiating the re-examination process:

- a. Officers who encounter such a person should complete the Missouri Department of Revenue DRIVER CONDITION REPORT form 4319 which can be located in PowerDMS or on the Missouri Department of Revenue website.
- b. Submit the completed form with supporting documents or related reports to your supervisor for approval.
- c. Once approved, send the form to the Missouri Department of Revenue.