


PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	SUBJECT:	POLICY NUMBER 400
	ENFORCEMENT - TRAFFIC	ISSUE DATE 02/19/2008
	CHAPTER: TRAFFIC	EFFECTIVE DATE 02/19/2008
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I. PURPOSE

Traffic law enforcement involves all law enforcement activities or operations which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Enforcement not only involves arrests and citations, it includes effective warnings to drivers and pedestrians which help prevent them from committing minor and unthinking violations.

Traffic law compliance is promoted through the judicious use of verbal and written warnings in place of a traffic arrest. Traffic enforcement can be reactive to observed violations, at accidents, or in response to community concerns, or may be proactive, to effectively prevent traffic violations.

Enforcement should be in proportion to traffic accidents with respect to time, place, and type of violation. However, overzealous enforcement without considering whether the violator is familiar with the legal requirement or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community it serves.

II. PROCEDURES

A. TYPES OF ENFORCEMENT ACTIONS: Enforcement action may consist of a warning, citation, or physical arrest.

1. **WARNING:** A warning may be issued to a violator wherever there is a minor traffic infraction committed in those areas where traffic accident experiences are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. A warning, properly given by an officer, can be more effective, while building positive rapport with drivers, than any other type of enforcement action.

2. **ARKANSAS UNIFORM TRAFFIC TICKET AND COMPLAINT (UTT)**: A UTT should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operation of unsafe and improperly equipped vehicles.
3. **PHYSICAL ARREST**: Officers will make a physical arrest:
 - a. When pertaining to Driving Under the Influence of Alcohol or other Intoxicants.
 - b. Whenever a felony has been committed, involving a vehicle.
 - c. When the operator refuses to sign the promise to appear on the traffic summons.
 - d. When the officer has reason to believe that the person will not comply with the summons if issued.

B. Handling: Special Categories of Violators:

1. Juveniles: Officers should consider use of warnings for juveniles who commit a minor, non-hazardous violation.
2. The members of the Senate and House of Representatives and the clerks, sergeants-at-arms, and door-keepers of each branch of the General Assembly shall be privileged from arrest during the session of the General Assembly and for fifteen (15) days before the commencement and after the termination of each session. Nothing contained in this section shall be so construed as to extend to cases of treason, felony, or breach of peace or to privilege any person named from being served at any time or place with a summons or notice to appear (**ACA 16-81-102**). The issuance of a traffic summons for a moving traffic offense is allowed, as is a physical arrest in the case of an offense involving DWI.
3. The organized militia shall be privileged from arrest during their attendance at muster and attendance at drills and in going to and returning from attendance at muster and drills in all cases except treason, felony, and breach of peace (**ACA 12-62-401**). The issuance of a traffic ticket for a moving traffic offense is allowed, as is the physical arrest in the case of an offense involving DWI.

C. Information Reference Traffic Summons:

The Arkansas Uniform Traffic Ticket and Complaint will be completed whenever a motorist is to be charged with a motor vehicle violation and the motorist will be told the following

1. Court appearance schedule.
2. Whether court appearance by the motorist is mandatory.
3. Whether the motorist may be allowed to prepay the fine prior to court.
4. Any other information necessary prior to release of the motorist.

D. Uniformed Enforcement Policies for Traffic Law Violations:

The following guidelines for uniform traffic law enforcement actions in routine situations are provided to assist officers in making decisions as to whether or not a traffic summons is warranted, if from this area, as residents.

1. Speed violations, should be a clearly convictable speed in court. May depend on location (congested area, downtown, school zone, etc.).
2. Other hazardous violations. Consider degree of hazard, place, previous accident history of location, current directed patrol emphasis, etc.
3. Equipment violations. Consider issuance of summons for any serious equipment defects. Warnings for minor violations.
4. Other non-hazardous violations. May cite all if deemed necessary normally pick the most serious violation and warn on others.
5. Multiple violations. May cite all if deemed necessary normally pick the most serious violation and warn on others.
6. Newly enacted laws and/or regulations. Normally, a grace period is established during which only warning will be given. Thereafter, officer should use discretion.

E. TRAFFIC LAW ENFORCEMENT PRACTICE

1. Normal traffic enforcement involves visible traffic patrol by officers who observe and handle traffic violation during the performance of their normal duties.
 - a. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
 - b. Directed patrol instructions can specify enforcement efforts in an area or at a hazard/violation being concentrated on.
2. Stationary overt observation may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location, where just the presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.

F. Objectives of Traffic Stops:

There are two major objectives of a traffic stop. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental outlook, physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. Enforcement procedures should minimize conflict which may develop between the officer and violator and assist in achieving the two major objectives, which are:

1. **IMMEDIATE OBJECTIVE:** To take proper and appropriate enforcement action.
2. **ULTIMATE OBJECTIVES:** Favorably alter the violator's future driving pattern.

G. Approaching the Traffic Violator/Officer Violator Relations:

Once the officer has stopped the violator and approaches to a point where communications can begin, the following guidelines should be followed in terms of officer-violator relationships:

1. Be alert at all times for the unexpected, but do not be obviously apprehensive.
2. Be absolutely certain the observations of the traffic violation were accurate, without reservation.
3. Present a professional image in dress, grooming, language, bearing, and emotional stability.
4. Be prepared for the contact by having necessary equipment and forms, if they are to be used, immediately available.
5. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, it is advisable to have the form of enforcement action decided prior to the initial contact with the violator. An exception to this would be, when the officer, through conversation, finds an out-of-state driver performing a violation that would not be a violation in his jurisdiction, such as right turn on red light, and the officer then decides to issue a warning rather than a citation as initially intended.
6. Greet the violator with an appropriate title and in a courteous manner.
7. Inform the violator what traffic law he has violated and the intended enforcement action; the violator should not be kept in suspense.
8. Ask for the violator's driver's license and vehicle registration and proof of insurance obtain another document of identification.

9. If the driver has no driver's license and vehicle registration, obtain another document of identification.
10. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise verbally abuse the violator.
11. Complete the forms required for the enforcement action taken or exercise a verbal warning, if this is the decision.
12. Explain to the violator exactly what he is supposed to do in response to the action you are taking and how this action will affect him.
13. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
14. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
15. Return the violator's driver's license, registration, and a copy of the warning or summons.
16. Assist the violator in safely re-entering the traffic flow.
17. Do not follow the violator.

H. Stopping the Traffic Violator:

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and to other users of the roadway. Varying conditions regarding the engineering of the particular traffic artery, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. These procedures are to be followed when possible, and are presented from the perspective that ideal conditions exist.

1. The pursuit of a traffic violator has ended when the officer positioned himself behind the violator to begin the stopping procedure.
2. At this point, the officer should notify MECA of the intended location of the traffic stop, the license number, and the number of occupants of the vehicle.
3. The officer should be thoroughly familiar with the area, and anticipate the appropriate location to stop the violator. Consideration should be given to a location with ample space, appropriate lighting, and should avoid stops on hills, curves, intersections, private driveways, and business locations which have limited parking.

4. The officer should signal the violator to stop. This signal should be with the blue emergency bar lights, hand signals, sounding the horn, and if necessary, the siren. These signals also alert other drivers of the intent of the officer and will usually facilitate securing the right of way for the stopping maneuver.
5. The violator should be signaled and directed to the right side of the roadway close to the curb, or onto the shoulder if engineering design of the roadway permits this.
6. On multi-lane roadways, the officer should insure the safety of the violator during lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
7. Should the violator stop abruptly in the wrong lane or in another undesirable location, he should be promptly directed to move to a safer location. Officers should use the public address system to instruct violators to move to a safer location. If the officer's verbal directions and gestures are insufficient to bring understanding, the officer should quickly dismount from the patrol vehicle and give verbal instructions to the violator.
8. The violator should not be permitted to move his vehicle once it has stopped, if it is suspected the driver is drinking to the extent that his driving is impaired.
9. Once the violator has stopped in an appropriate location, the officer should position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle should be positioned so that it will offer the officer some protection from oncoming traffic. This position should be two feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer, and all other traffic
10. The officer should dismount from the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
11. The officer should approach from the rear of the violator's car, looking into the rear seat area, and stop at a point to the rear of the trailing edge of the right front door. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position, and at the same time keep all occupants of the vehicle in view. Approach the vehicle on the passenger side when feasible, keeps OFC out of the flow of traffic.
12. In those cases where the violator's car has occupants in both the front and rear seats, the officers should approach to a point near the leading edge of the left front door, being especially alert for any unusual actions on the part of the occupants and choosing a path so the door can not be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.

13. In those traffic stops made by two man patrol vehicles, the passenger officer should be responsible for all radio communications, writing all notes and messages relayed from MECA, and during the traffic stop should dismount from the vehicle and act as an observer and cover for the fellow officer. At no point should the two officers approach the violator's care from the same side.
14. At night, the procedure is basically the same with the additional necessity of exercising caution in selecting an appropriate place from the traffic stop, signaling the violator (the spot light should not be used except in extreme situations), and positioning the police vehicle. After the stop, the head lights should be on low beam for the safety of oncoming traffic, and emergency bar lights in use on the patrol vehicle as well as emergency flasher lights.

I. **Persons Charged with Revoked/Suspended Operator's License:**

1. The Arkansas Uniform Traffic Ticket and Complaint (UTT) may be issued when an officer has stopped a vehicle and identified the driver as driving with a revoked or suspended operator's license.
2. An officer who sees an individual driving, who is known to be under suspicion of revocation, if not able to stop the individual in a timely manner, may swear out a warrant for the violator.