

SUNRISE POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL CHAPTER 56 TRAFFIC ENFORCEMENT GUIDELINES	Effective Date	05/01/87
	Revision Date	09/23/15
	Revision No.	1.4
	Page No.	1 of 9
	Approval:	

56. PURPOSE

The purpose of this policy is to establish procedures for uniformly providing traffic law enforcement services throughout our community.

56.1. REVISION HISTORY

<u>Date</u>	<u>Rev. No.</u>	<u>Change</u>	<u>Reference Section</u>
05/01/87	1.0	New Procedure	Accident Investigation Guidelines
09/23/91	1.1	Deleted DUI Investigations	56.9
12/19/02	1.2	Policy Re-named/ Incorporates Dept. Directive #99-07	Traffic Enforcement Guidelines
01/29/14	1.3	Added other Violations to take Into consideration, Deleted CALEA	56.6.2.13., Throughout Policy
09/23/15	1.4	Added Pedestrian/ Bicycle violations, Changed Office of Community Policing To Special Operations Section.	56.6.2.13.6., 56.6.3.1.

56.2. PERSONS AFFECTED

All Police Personnel

56.3. POLICY

It shall be the policy of the Sunrise Police Department to enforce all state traffic laws and regulations. Special emphasis will be placed on those traffic violations, which may pose hazards to motorists, bicyclists and pedestrians.

56.4. DEFINITIONS

56.4.1. Traffic Law Enforcement – Law enforcement as it applies to statutes, ordinances and legally authorized regulations relating to the use of streets and highways and ownership and operation of motor vehicles and other road vehicles.

56.4.2. Traffic Law Enforcement Action – The part of traffic law enforcement involving arrest, citation or warning of any person alleged to have violated a law, ordinance or regulation pertaining to the use of streets, roads, highways or any other areas where traffic law violations may be enforced.

56.4.3. Traffic Law Violation – Violation of any statute, ordinance or legally authorized regulation relating to the use of streets and highways or the operation and ownership of motor vehicles and other road vehicles.

56.4.4. Other Traffic Law Violations – Violation of any law, ordinance or regulation affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles and pedestrians.

56.4.5. Bias-Based Profiling – Taking action during traffic law enforcement activity based solely on a person's race, ethnicity, gender, religion, economic status, age, sexual orientation or physical handicap.

56.4.6. Traffic Crash Investigation – Collection of factual information identifying and describing people, roads and vehicles involved in a crash. Investigations should include, but not be limited to, a description of the results of the crash in terms of damage to vehicles, roadside objects, injuries, marks and residue on the road, final positions of bodies and vehicles, interpretation of facts in terms of behavior of drivers and others and attempts to specify the peculiar combination of factors required to produce that particular crash.

56.4.7. Citation – A notice to appear that meets the requirements of Chapter 316, Florida Statutes and is consistent with the state traffic court rules and procedures of the Department of Highway Safety and Motor Vehicles.

56.4.8. Inviolability – Indicates a status that precludes arrest or detention in any form and forbids unwanted intrusion into the residence, automobile or any other property of a foreign national or consular official.

56.4.9. Slick-top Vehicle – A police vehicle that does not have the traditional light bar mounted on top of the roof. This vehicle has sirens, public address systems along with emergency lights that can be located within the front grille and rear deck and may or may not be marked.

56.5. RESPONSIBILITIES

56.5.1. All police personnel are responsible for complying with this policy. Supervisory personnel are responsible for the enforcement of this policy. Unjustified violations may result in disciplinary action, up to and including, termination.

56.5.2. This policy is not intended to be all-inclusive. It is intended to be a general guideline to be read in conjunction with all other Department rules, regulations, policies and procedures, as well as other City rules and ordinances.

56.6. PROCEDURES

56.6.1. All sworn Officers of the Department are authorized to take traffic law enforcement action upon observing any traffic law violation or other traffic law violation as set forth by state traffic laws.

56.6.1.1. Should circumstances arise which requires an Officer's presence or response to an emergency situation, officers will use their discretion in performing traffic stops.

56.6.1.1.1. Officers who are not normally assigned to patrol or traffic functions will use their discretion when taking traffic law enforcement action. These members may call upon other members who are so equipped to assist with traffic law enforcement.

56.6.1.1.2. General purpose vehicles consisting of marked police vehicles and motorcycles may be used for traffic law enforcement purposes.

56.6.1.1.3. Members operating unmarked vehicles will not perform traffic stops unless they are equipped with emergency lights and siren.

56.6.1.1.3.1. The decision to make a traffic stop using an unmarked vehicle, when so equipped, should be based on the severity of the traffic violation.

56.6.1.1.3.2. Members operating unmarked vehicles that are so equipped will request the response of a marked vehicle or motorcycle as soon as practical.

56.6.1.1.3.3. Unmarked slick-top vehicles are generally utilized by investigative, administrative or civilian personnel. These vehicles can be used for conducting traffic enforcement activities as deemed necessary by a designated Supervisor.

56.6.1.1.4. Members should cross-reference this policy with Policies and Procedures, Chapter 41 – Vehicles, for further information concerning vehicles.

56.6.1.1.5. Officers are prohibited from conducting traffic law enforcement or taking traffic law enforcement action based upon bias-based profiling. Cross reference with Policies and Procedures – Chapter 15.

56.6.1.2. Officers may affect a physical arrest for traffic law violations that are so authorized by state criminal traffic laws. Officers should take into account the degree, severity and number of previous violations relative to the same offense when deciding whether to physically arrest a motorist for a criminal traffic law violation.

56.6.1.2.1. In all cases of criminal traffic law violations, a minimum of at least one citation will be issued.

56.6.1.3. Officers may issue a citation for all traffic law violations that are so authorized by state traffic laws. Officers should take into account the degree, severity, number of violations committed and the number of previous violations relative to the same offense when deciding whether to issue a citation.

56.6.1.4. Officers may choose to issue verbal warnings in lieu of citations. Officers should take into account the degree, severity, number of violations committed and the number of previous violations relative to the same offense when deciding whether to issue a verbal warning.

56.6.1.5. Although quantitative and qualitative emphasis is integral to Department traffic enforcement procedures, under no circumstances will arrests or the issuance of citations be based upon any quotas.

56.6.2. Certain violations require special emphasis regarding the type of traffic law enforcement action that should be taken. These violations consist of the following:

56.6.2.1. Operation of a Vehicle after Driving Privileges have been Suspended or Revoked:

56.6.2.1.1. Officers who stop motorists for driving while their license has been suspended or revoked will use their best judgment as to whether to issue the motorist a traffic citation or make a physical arrest. Circumstances to be considered when deciding whether to place the offender under arrest are: Suspension/revocation for failure to appear in court or accumulation of excessive points as a result of a DUI conviction or multiple prior suspensions or revocations.

56.6.2.1.2. Under no circumstances will an officer allow an individual with a suspended or revoked license to operate a vehicle once they have been stopped.

56.6.2.2. Speeding Violations:

56.6.2.2.1. Officers may utilize traffic radar (if certified), laser traffic radar (if certified), or vehicle pace clock (if properly calibrated), to determine speeding violations. Visual detection in relation to special hazards as outlined in state traffic laws may also be used to determine if a violation has occurred.

56.6.2.3. Other Hazardous Violations:

56.6.2.3.1. Officers should issue traffic citations for the following violations to include, but not limited to: reckless driving, careless driving, racing on highways, passing a stopped school bus and any criminal traffic violation that results in a physical arrest.

56.6.2.4. Off-road Vehicle Violations:

56.6.2.4.1. Due to the hazards caused by off-road vehicle crashes, officers will take special care to inform the public, and when necessary, issue the appropriate citations for off-road vehicle violations. Officers will familiarize themselves with City Ordinance, Chapter 14, Section 14-1 regarding specific violations for reckless use of off-road vehicles and restrictions on hours of operation to assist with enforcement.

56.6.2.5. Equipment Violations:

56.6.2.5.1. State traffic laws provide motorists with modified citation fees for properly correcting equipment violations within prescribed time periods. Officers should consider the following when observing these violations: multiple equipment violations, other moving violations present and the seriousness of the defective equipment.

56.6.2.6. Public Carrier/Commercial Vehicle Violations:

56.6.2.6.1. Officers will handle these violations the same as any other traffic law violation. Officers should handle these stops as expeditiously as possible so as not to delay commercial service. Officers can request assistance, when available, from Florida Motor Carrier Compliance Officers due to their expertise with these types of vehicles. Officers may also notify the Office of Commercial Carrier Compliance of any specific complaint(s) or violations involving public carrier/commercial vehicle violations.

56.6.2.7. Other Non-hazardous Violations:

56.6.2.7.1. Officers who stop motorists for non-hazardous violations can use their discretion to encourage future compliance by means of traffic law education. However, should the need arise through further investigation, a citation may be issued.

56.6.2.8. Multiple Violations:

56.6.2.8.1. Motorists who commit multiple violations may pose special hazards and risks to the rest of the motoring public. Should officers choose to cite for some but not all violations, citations should be issued for the most serious offense(s). Officers who are conducting special enforcement for specific violations, such as selective enforcement for speeding or a driver's license checkpoint, will issue a citation for those violations for which the special enforcement was conducted, unless circumstances dictate otherwise.

56.6.2.9. Newly Enacted Laws or Regulations:

56.6.2.9.1. Officers will be prepared to issue citations or warn citizens when any new laws or regulations take effect. Officers will use discretion in the issuance of a citation if the new law or regulation has a public information awareness time period in effect. Officers should obtain legal updates from their immediate Supervisor. Any questions concerning new laws or for assistance in obtaining them should be directed to the Traffic Unit.

56.6.2.10. Violations Resulting in Traffic Crashes:

56.6.2.10.1. Officers or certified PSAs who make an investigation at the scene of a traffic crash may issue a citation(s) based upon personal investigation when they have reasonable and probable cause to believe that a person who was involved in the crash committed an offense as prescribed by traffic laws in connection with that crash. Factors that can be considered in determining whether to issue a citation(s) consist of: resulting injuries and severity, amount of damage caused or ability to verify the information regarding the cause of the crash.

56.6.2.11. Pedestrian and Bicycle Violations:

56.6.2.11.1. Officers have the same obligation and discretion when dealing with violations pertaining to pedestrians and bicyclists. Citations should be issued depending upon the severity and frequency of these violations. Emphasis should be directed toward education of the pedestrian or bicyclist.

56.6.2.12. Special Procedures:

56.6.2.12.1. Juveniles:

56.6.2.12.1.1. Juveniles may be issued a citation or given a verbal warning. If a juvenile is physically arrested for a criminal traffic violation, they will either be released to a parent, guardian or responsible adult or transported to the Division of Juvenile Justice/Juvenile Assessment Center (JAC) as prescribed by JAC intake criteria.

56.6.2.12.2. Non-resident or Military Personnel:

56.6.2.12.2.1. Non-resident or military personnel do not have immunity from traffic laws and should be treated in the same manner as all other residents of the community as prescribed by this policy.

56.6.2.12.3. Legislators:

56.6.2.12.3.1. Legislators do not have immunity from traffic laws and should be treated in the same manner as all other residents of the community as prescribed by this policy.

56.6.2.12.4. Foreign Diplomats or Consular Officials:

56.6.2.12.4.1. General:

56.6.2.12.4.1.1. Officers who stop or contact citizens claiming diplomatic immunity must request credentials in order to verify this status and degree of immunity.

56.6.2.12.4.1.2. Foreign diplomats, consular officials and their family members will have identification cards or driver's licenses issued by the Department of State. Officers can identify the level of immunity afforded to the individual by checking the back of the identification card.

56.6.2.12.4.1.3. Should a foreign diplomat or consular official not be in possession of an identification card or driver's license, they may possess passports, tax exempt cards or diplomatic license plates which are issued by the Department of State.

56.6.2.12.4.1.4. Regardless of the documentation, Officers should contact the Department of State to verify that the individual is still entitled to immunity.

56.6.2.12.4.2. Traffic Offenses:

56.6.2.12.4.2.1. Foreign diplomats, consular officials or their family members do not have immunity from traffic laws. However, they are not subject to arrest except for serious felonies that endanger public safety. Stopping a foreign diplomat, consular official or their family members and issuing a traffic citation does not constitute an arrest or detention in this instance.

56.6.2.12.4.2.2. Officers may request but not compel signatures from foreign diplomats or consular officials on traffic citations. Officers, however, should not hesitate in taking traffic law enforcement action with respect to issuing a citation.

56.6.2.12.4.2.3. Should a diplomat or consular official refuse to sign a traffic citation, Officers will record, "Refused – Diplomatic Personnel" on the signature line of the citation.

56.6.2.12.4.2.4. In all circumstances, Officers will have a copy of the citation(s) forwarded to the Department of State. If a police report is generated, Officers will also have a copy of the report forwarded to the Department of State as well. Officers will contact the Records Unit for assistance with sending these documents.

56.6.2.12.4.3. In serious cases such as DUI, injuries or accidents, telephonic notification to the Department of State should be made.

56.6.2.12.4.3.1. In suspected DUI cases, field sobriety exercises may be requested, however, diplomatic personnel may not be compelled to complete them. The results of the exercises or refusal must be fully documented in a police report. If the Officer judges the driver too impaired to operate a motor vehicle, the Officer should not permit the operator to continue to drive.

56.6.2.12.4.3.2. In these circumstances, the Officer may:

56.6.2.12.4.3.2.1. Summon or allow the driver to summon a friend or relative to drive.

56.6.2.12.4.3.2.2. Notify a taxi service.

56.6.2.12.4.3.2.3. Provide transportation after approval from a supervisor. This should be based upon the final requested destination of the driver.

56.6.2.12.4.3.2.4. With the driver's permission, take the driver to a police facility or other location where they may recover sufficiently to drive.

56.6.2.12.4.3.3. In all cases Officers should advise the foreign diplomat or consular official that operating a motor vehicle while impaired will compromise their safety as well as other motorists.

56.6.2.12.4.3.4. The Officer's primary concern should be the safety of the community and the driver. This should be communicated to all parties.

56.6.2.12.4.3.5. Officers involved in these incidents will complete a police report that fully documents the facts of the incident and the identity of the foreign diplomat or consular official. A copy of the report will be forwarded to the Department of State.

56.6.2.12.4.3.6. If the level of immunity enjoyed by foreign diplomats or consular officials involves inviolability of their vehicle, then the vehicle may not be impounded. Officers may however have the vehicle moved or towed the distance necessary to remove it from obstructing traffic or endangering public safety.

56.6.2.12.4.3.7. Accident reports involving foreign diplomats or consular officials must be detailed and submitted to the Department of State.

56.6.2.13. The following issues have been identified as priorities and officers should be aware of potential violations concerning these issues when conducting Traffic Law Enforcement:

56.6.2.13.1. Occupant Protection which includes child restraint devices and enforcement of seat belt and occupant protection.

56.6.2.13.2. Speed.

56.6.2.13.3. DUI.

56.6.2.13.4. Motorcycle violations.

56.6.2.13.5. Distracted drivers.

56.6.2.13.6. Pedestrian/bicycle violations.

56.6.3. Traffic Safety Educational Materials:

56.6.3.1. Traffic safety educational materials will be maintained by the Special Operations Section or the Traffic Unit. Any pamphlets will be made available to the public in the lobby of the Public Safety Building.