

FLORENCE POLICE DEPARTMENT

GENERAL ORDER

Subject: UNIFORM TRAFFIC ENFORCEMENT	Procedure: General Order 29.1.1 CALEA 61.1.1	Total Pages: 12
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I. POLICY

It is the policy of this Department to uniformly enforce traffic related laws and regulation. These enforcement actions are in support of the ultimate aim of traffic law enforcement, which is to achieve voluntary compliance with traffic laws and regulations.

II. PURPOSE

This written order establishes guidelines for uniform traffic law enforcement actions.

III. SCOPE

This written order is applicable to all sworn personnel.

IV. RESPONSIBILITY

It shall be the responsibility of all sworn employees to read and comply with this written directive.

V. ADMINISTRATIVE PROCEDURES

- A. **ISSUANCE:** Uniform Traffic Citation books will be issued consecutively by book number, by Records personnel. The receiving officer will check each citation book to insure that all citations are present. The officer will then sign for the book, listing employee number and signature.
- B. **LOSS TO BE REPORTED:** Each officer possessing a Uniform Traffic Citation book will be accountable for its condition. The loss of a Uniform Traffic Citation book or any part of a book will be reported to their supervisor, who will then inform the Records Division. This report will include all missing citation numbers and explain the circumstances surrounding the loss.
- C. **VOIDING CITATIONS:** In the event it becomes necessary to void a Uniform Traffic Citation, the officer will clearly mark all copies "void." The officer will then attach all copies of the voided citation to a memorandum directed to the officer's supervisor. This report will include the reason for voiding the citation and the number of the citation issued in its place. Once approved, the supervisor will forward the approved memorandum (with all four citation copies attached) to the Records Division supervisor in order to ensure the citation is properly voided.

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- D. **INSTRUCTIONS:** A Uniform Traffic Ticket and Complaint may not be issued for a felony charge. Only one violation may be cited on each Uniform Traffic Citation. The issuing officer will complete the Uniform Traffic Citation in accordance with the guidelines established by the State of Alabama. They encompass statute law Titles 12-12-50 through 12-12-56, Title 12-14-8 and the Rules of Judicial Administration: Rule 19.
1. The officer will review the citation for accuracy and completeness prior to asking for the violator's signature. Upon issuance of a Uniform Traffic Citation, the officer will provide the violator with an appropriate court date.
 2. The officer will provide the telephone number and address of Municipal Court, with instructions that the violator must either pay the fine in person or appear in court on, or before their court date. The officer will also provide any reasonable information requested by the violator prior to their release.
 3. The officer will not attempt to answer any questions concerning the amount of a fine or related court cost. Instead, the officer will instruct the violator to contact Municipal Court for further information.
 4. The officer will present the completed Uniform Traffic Citation to a Municipal Court magistrate within seven days of the issuance of the citation, at which time he or she will swear to or affirm the validity of the citation before the magistrate.
- E. **SECURITY OF CITATIONS:** Officers will be responsible for security of citations until they are turned in to the Municipal Court. Once citations are turned in, the court will be responsible for the security and storage of all citations in accordance with state laws governing public and court records from that time forward. The Florence Police Department or its members no longer have any control or responsibility over the citation forms once they have been presented to the court.
- F. **ACCOUNTABILITY FOR CITATIONS:** To ensure accountability for citations, department IT personnel will check a random selection of issued citations at least annually. This check will search for citation numbers missing from the database. Once a citation has been determined to be missing, IT personnel will notify the officer's supervisor in order to determine if that citation was turned in to Records, the Court, or if it may have been lost or otherwise disposed of in an unauthorized manner. If it appears that the citation was disposed of improperly, the matter will then be addressed through the progressive discipline process. No member of the Florence Police Department will participate in the improper disposal of any traffic citation.

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G. COURT DATE ASSIGNMENT

1. CITATIONS NOT RESULTING IN A CUSTODIAL ARREST:
When the violator is permitted to sign his/her own bond, the court date for the Uniform Traffic Citation (or citations) will be set according to the current schedule set by the Municipal Court.
2. COURT SCHEDULES: Copies of the Municipal Court trial schedules will be posted outside of roll call. A copy will also be available at the desk. Officers are responsible for keeping up with their own schedules.

VI. SELECTIVE TRAFFIC ENFORCEMENT ACTIVITIES - CRU

“Selective Traffic Enforcement” is the designation of personnel and equipment to particular areas for the purpose of enforcing specific categories of traffic violations. Generally, this responsibility is assigned to the Crash Reduction Unit (CRU). However, all patrol supervisors, not just the CRU, are responsible for implementing selective traffic law enforcement activities as necessary based on a review of Spillman traffic data. The objective of selective traffic enforcement is to direct appropriate enforcement efforts towards high risk traffic violations in order to reduce traffic collisions and improve overall traffic safety. This designation of personnel and equipment is based on the analysis of:

A. TRAFFIC COLLISION DATA:

1. The CRU Commander is responsible for the traffic analysis function of the department.
2. The CRU commander will analyze traffic data to determine:
 - a. Where accidents occur;
 - b. When accidents occur;
 - c. Primary contributing factors; and
 - d. Traffic violations most at risk to cause traffic collisions.
3. The analysis of this data should result in the identification of areas where most collisions occur, violations leading to the most collisions, and times of day during which most collisions occur.

B. TRAFFIC ENFORCEMENT ACTIVITY:

1. The CRU Commander will use traffic collision data to determine where to assign officers for more effective traffic enforcement efforts.
2. Selective Enforcement efforts will focus on high risk traffic offenses.
3. Selective Enforcement efforts will be directed at intersections and on roadways where collision data reveal traffic collisions frequently occur.

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- C. DATA ANALYSIS: The Traffic Division Commander is responsible for a periodic review of the selective traffic enforcement program including the comparison of collision data and enforcement activity. This review should evaluate whether patrol techniques are focused on those violations that are the primary causes of traffic collisions and on the roadways and intersections where collisions are most frequent.
- D. SELECTIVE TRAFFIC ENFORCEMENT PROCEDURES:
 - 1. Analyze traffic accidents;
 - 2. Analyze enforcement activities;
 - 3. Develop and implement enforcement countermeasures;
 - 4. Evaluate effectiveness of enforcement efforts; and
 - 5. Revise, as needed, enforcement countermeasures.
- E. DEPLOYMENT OF SELECTIVE ENFORCEMENT PERSONNEL: The CRU commander will deploy traffic officers based on the evaluation of traffic collision data, traffic enforcement data, in school zones, and based on citizen calls for traffic service and complaints.
- F. TRAFFIC ENFORCEMENT EVALUATION: The Traffic Division Commander shall conduct evaluations of all selective traffic enforcement activities in order to ascertain the effectiveness of selective traffic enforcement efforts. This evaluation should include a review of:
 - 1. The number of traffic accidents;
 - 2. The number of traffic fatalities; and/or
 - 3. Traffic survey data which measures speed and volume.

VII. ENFORCEMENT PROCEDURES

- A. TRAFFIC ARREST WITH SIGNATURE BOND: Current Alabama law requires that almost all persons arrested for traffic violations be released on their signature bond. Few cases exist where this is not true. These exceptions are DUI, any offense causing or contributing to an accident resulting in injury or death, or any offense the officer has good cause to believe is a felony. In such cases, the defendant will be placed under physical arrest.

Officers may find that in some cases it is not reasonable to affect the arrest of an offender at the time of the violation. In these cases, the officer must have the correct identification and vehicle information needed for a citation. The officer will then complete a citation and deliver it to the Magistrate for a summons to be issued for the offender.
- B. PHYSICAL ARREST: Officers will arrest any person in violation of those traffic laws pertaining to driving under the influence of intoxicants. Officers will also arrest any person in violation of traffic offenses

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committed during the commission of certain crimes, as required by law (i.e. reckless endangerment). Physical arrest may also occur when the violator refuses to sign the Uniform Traffic Citation. In such cases, the officer MUST first allow the violator the opportunity to:

1. Sign the Uniform Traffic Citation, or
2. Post his or her drivers' license as bond. This option is entirely the violator's decision and is not mandatory. According to 32-1-5, the violator "shall have the option of depositing his chauffeur's or driver's license so issued to him with arresting officer or the court, in lieu of any other security which may be required for his appearance in any court in this state in answer to such charge lodged in such court."
3. If the violator both refuses to sign the citation and declines the option to post his or her drivers' license as bond (or does not have a license to post as bond), the officer shall take the violator into custody and follow all general arrest procedures.

C. **ARREST REPORTS:** Upon the arrest of a traffic violator, a Uniform Traffic Citation will be completed for each traffic offense, along with the Alabama Uniform Arrest Report. The violator will be given his/her copy of the traffic citation(s). A copy of the arrest report will be delivered to the Municipal Court Magistrate along with the original Uniform Traffic Citation(s), to be attested to.

VIII. VEHICLE SECURITY UPON TRAFFIC ARREST:

In the event a traffic violator is placed under physical arrest, the officer will follow procedures outlined in 29.4.3 regarding Vehicle Impoundment.

IX. ENFORCEMENT GUIDELINES:

The enforcement policies of the Florence Police Department cannot and should not interfere with an individual officer's discretion in the issuance of a Uniform Traffic Citation. The officer's discretion should be based on training and professional judgment. Following are general enforcement policies that should guide officers in taking enforcement action against traffic violators.

- A. **UNIFORM TRAFFIC CITATIONS:** A Uniform Traffic Citation should be issued to violators who jeopardize the safety and welfare of vehicular and pedestrian traffic, citing the specific law or municipal ordinance violated. This includes hazardous and non-hazardous violations, operating unsafe or improperly equipped vehicles, and license violations.
- B. **PARKING CITATIONS:** A Parking citation will be used to cite violations of illegal, improper or hazardous parking, citing the municipal ordinance being violated. A Uniform Traffic Citation will not be used to enforce a parking violation.

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- C. **WRITTEN WARNING:** A written warning for a traffic violation may be issued by an officer at his or her discretion, if the officer determines that the violation is minor in nature and the warning will likely result in future compliance with the law.
- D. **VERBAL WARNING:** A verbal warning may be appropriate when the violator commits an act due to ignorance of a law or ordinance, or when an equipment failure has occurred and the driver is unaware of the failure.
- E. **DRIVING UNDER THE INFLUENCE:** Florence Police Officers may arrest any person found to be driving under the influence of any substance which impairs their ability to safely operate a motor vehicle upon public or private property. Procedures for DUI arrest are established in other written directives.
- F. **REVOKED, SUSPENDED, OR CANCELLED DRIVING PRIVILEGE:** Motorists operating a motor vehicle after their driving privilege has been revoked, suspended, or cancelled may be issued a Uniform Traffic Citation. The issuing officer will then follow vehicle impoundment procedures for persons driving on a revoked, suspended, or cancelled driver's license.
- G. **SPEED VIOLATIONS:** Officers may use discretion when enforcing speeding violations as to whether issuing the violator a warning, or Uniform Traffic Citation.
- H. **HAZARDOUS VIOLATIONS:** In most cases violators may be issued a citation only when the violation is observed by the officer. Officers should concentrate their enforcement efforts in areas with a previous history of high crash occurrence. Hazardous violations consist of any violation of a law or ordinance that presents an immediate danger to vehicular or pedestrian traffic. This includes unsafe behavior or an unsafe condition relating to the driver or vehicle. Hazardous violations include but are not limited to DUI, speeding, running stop sign or signal, failure to yield the right of way, reckless driving, and following too closely. Officers should consider hazardous violations an important part of their enforcement effort.
- I. **OFF-ROAD RECREATIONAL VEHICLES AND BICYCLE ENFORCEMENT:** Off-road recreational vehicles and bicycles will be expected to obey all laws and ordinances of the State of Alabama and the City of Florence. Enforcement of these violations will be in accordance with procedures set forth in this written directive. The age of the offender may influence the degree of enforcement action taken. Notifying the parents or legal guardian of a juvenile violator should be considered as an alternative to issuing a Uniform Traffic Citation. Juvenile procedures should be followed in the event the offender is under the age of 16 years of age.

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- J. **NON-HAZARDOUS/EQUIPMENT VIOLATIONS:** Violators may be issued a citation only when an officer observes the violation. Non-hazardous violations consist of any violation of an enacted law or ordinance that is not a hazardous violation as defined above. These include but are not limited to revenue, licensing, and equipment violations not creating an unreasonable risk to the public.
- K. **PUBLIC CARRIER AND COMMERCIAL VEHICLE VIOLATIONS:** Only officers who have been trained as Motor Carrier Safety Officers will stop and inspect commercial vehicles to check for violations of the Federal Motor Carrier Safety Regulations. Stops by non-Motor Carrier officers based on probable cause that a violation has occurred are always permitted and encouraged. Operators of commercial motor vehicles can be issued a Uniform Traffic Citation or warning as prescribed in this directive by any sworn officer.
- L. **MULTIPLE VIOLATIONS:** A Uniform Traffic Citation may be issued for each violation that is not a lesser-included offense of the more serious violation. For example, instead of issuing several citations for multiple moving violations, officers may issue a citation for reckless driving when warranted.
- M. **NEWLY ADOPTED LAWS AND ORDINANCES:** It is the policy of the Florence Police Department to temporarily issue warning citations for violations of a newly adopted law or municipal ordinance. Uniform Traffic Citations will only be issued after an adjustment period established by law or determined by the Chief of Police, or designee. If no adjustment period is specified, citations may be issued immediately on the effective date.
- N. **POST CRASH ENFORCEMENT:** While current Alabama law allows for few un-witnessed traffic arrests by officers, enforcement of traffic laws may still be accomplished by officers explaining to crash victims the provisions for obtaining an arrest warrant for a traffic offender. This practice may be desirable when officers find operators of vehicles have suspended or revoked driver's licenses or have committed an unlawful act that caused the crash. In this case the officers should complete an incident report and advise the victim to contact the Municipal Court for an appointment to obtain a warrant for the arrest of the offender.
- O. **PEDESTRIAN ENFORCEMENT:** In areas where pedestrian involved crashes occur, officers should concentrate their efforts to enforce pedestrian traffic laws. Enforcement will consist of all measures outlined in this directive for vehicular violators and as allowed by law for application to pedestrian violators.

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X. SPECIAL CONSIDERATION

- A. JUVENILES: Juvenile traffic violators will be processed in accordance with the Florence Police Department written directive concerning juvenile arrest procedures.
- B. LEGISLATORS: The Florence Police Department will adhere to the State of Alabama guidelines regarding a violation by a State Representative or Legislator. Reference statute law Title 29-1-7 and the State of Alabama Constitution of 1901, Article 4, Section 56.
- C. FOREIGN DIPLOMATS AND CONSULAR OFFICIALS: The Florence Police Department will adhere to the United States Department of State guidelines regarding the arrest or detention of a Foreign Diplomat or Consular Official. These guidelines are outlined in the written directive on arrest and detention of foreign nationals.
- D. NONRESIDENTS OR MILITARY PERSONNEL: No special consideration is required of officers when enforcing traffic offenses committed by nonresidents of the City of Florence or military personnel. Officers may use their best judgment in enforcing traffic laws and improving driver behavior.

XI. DRIVER REEXAMINATION:

Officers may request drivers be re-examined for a driver's license by the Alabama Department of Public Safety.

- A. A Department of Public Safety Cite Form may be obtained at the Alabama State Trooper Post or at the local Alabama State Trooper Driver's License Division Office. This Cite Form will be completed with specific details supporting the re-examination request.
- B. Copies of all related reports will be submitted with the re-examination form to the officer's supervisor for approval prior to being forwarded to the Alabama Department of Public Safety.
- A. There is no statutory authority to take the person's license. Completing the form and forwarding it to Montgomery is all that can be done at that time, other than ensuring that the driver does not further endanger the public by driving away from the scene. The license must be given back to the person whose driving abilities are in question until DPS acts on the Cite Form request.
- B. Persons with the following conditions may be recommended for re-examination if the condition prevents them from exercising reasonable and ordinary operation of a motor vehicle:
 - 1. Incompetence;
 - 2. Mental Disability;
 - 3. Physical Disability;

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4. Disease; and
5. Any other condition impairing safe driving ability.

XII. TRAFFIC ENFORCEMENT STRATEGIES

- A. **VISIBLE TRAFFIC PATROL:** The most effective deterrent to traffic law violations is visible patrol in a marked patrol vehicle. Officers shall operate patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior.
- B. **UNMARKED/UNCONVENTIONAL VEHICLES:** Unmarked or unconventional vehicles may be used for traffic enforcement during the course of routine patrol duties. Vehicles used in this manner shall be equipped with emergency lights and siren. When possible, officers conducting traffic stops in unmarked or unconventional vehicles should request a marked unit assist during the stop.

XIII. TRAFFIC ENFORCEMENT TACTICS

- A. Traffic patrol may involve one or more of the following tactics and strategies:
 1. **LINE PATROL:** Patrol between two specific points on a given street, road, or highway.
 2. **AREA PATROL:** Moving patrol within a given area, such as designated zones, or high traffic corridors.
 3. **DIRECTED PATROLS:** Designated areas for traffic patrol coverage. These assignments are based on complaints, reviews of traffic collision data, and/or other traffic enforcement related needs.
 4. **STATIONARY TRAFFIC OBSERVATION:**
 - a. **VISIBLE STATIONARY TRAFFIC OBSERVATION:** In those areas where stationary observation is necessary to maximize the effectiveness of enforcement efforts, officers should park in a visible or conspicuous location and in such a manner that traffic flow is not impeded.
 - b. **CONCEALED STATIONARY TRAFFIC OBSERVATION:** It is recommended that officers not use fully concealed traffic observation. This will avoid the appearance of a “speed trap”, in the interest of maintaining a posture of prevention as opposed to apprehension. However, this practice is not forbidden, rather limited to narrow circumstances that may require its use.

XIV. ROADSIDE TRAFFIC SAFETY CHECKPOINTS

- A. Traffic safety checkpoints will be utilized by the Florence Police

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Department to deter and apprehend impaired drivers. Traffic safety checkpoints shall be utilized in accordance with the following procedures:

1. **CHECKPOINT PLANNING:** All Safety Checkpoints are to be planned in advance and will be approved and monitored by a supervisor. An FPD checkpoint form shall be maintained. This form records the date, time, location, supervisor, officers, and citations issued. Patrol Officers will be prohibited from arbitrarily setting up a checkpoint with no prior planning or supervision.
2. **SITE SELECTION:** Safety of the public, as well as the officers involved, is extremely important. The supervisor must select the checkpoint site using the following criteria:
 - a. There must be adequate visibility afforded to on-coming motorists.
 - b. The site should be a location where there is a high incidence of alcohol-related traffic accidents or where statistical traffic analysis indicates high usage by motorists driving under the influence of alcohol. The site can also be at a location where high visibility can increase compliance with other traffic violations including, but not limited to, proof of required insurance, proof of registration and seatbelt laws. (Delaware vs. Prouse, 440 U. S. 648, 663).
 - c. There must be adequate space at the site to pull suspect vehicles out of the traffic stream for further examination without creating a traffic hazard.
 - d. The site must have adequate space for police vehicles and personnel who will work the checkpoint.
 - e. The site must have no particular characteristics that will create a hazard for the motorists or the officers working the checkpoint.
 - f. The volume of traffic should be in proportion to the number of officers available to work the check-point.
3. **WARNING DEVICES:** Adequate warning must be given to motorists that a checkpoint has been established. This may be accomplished by using warning signs, traffic cones, and police vehicles with emergency lights.
4. **VISIBILITY OF POLICE AUTHORITY:** The high visibility of the uniformed officers and their marked police vehicles makes the power of the police presence obvious and serves to reassure motorists of the legitimate nature of the activity. All officers assigned to the checkpoint shall wear a traffic vest and/or flashlights in the event the checkpoint is done at night.

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5. **CONTINGENCY PLANNING:** The supervisor responsible for planning the checkpoint will use a non-discretionary systematic method of checking vehicles at the site. If intermittent traffic conditions cause the officers to stray from this pre-determined method of checking vehicles (e.g., if a traffic back-up occurs), it shall be the responsibility of the supervisor in charge of the checkpoint to change the order of vehicle selection or to discontinue the operation. In the planning stage, the supervisor will consider in advance, an alternate site and be prepared for operation.
6. **MINIMAL INTRUSION:** Motorists who are not suspected of traffic related violations should not be detained for more than a reasonable amount of time. Driver and vehicle checks should be performed in the following manner.
 - a. Request a driver's license.
 - b. Request proof of insurance and vehicle registration.
 - c. Check for compliance with seatbelt and child safety laws.
 - d. Use a divided attention test (e.g. after requesting the driver's license and other paperwork, while the driver is looking for it, engage the driver in conversation requiring a response).
 - e. Check the vehicle for mechanical defects.
 - f. Check the license tag.

XV. PARKING ENFORCEMENT

- A. **CITY CODE:** Police officers and parking enforcement personnel will enforce parking regulations in accordance with the provisions found in Chapter 13, Article IV (Parking and Stopping) of the Code of Florence, Alabama regarding Motor Vehicles and Traffic.
- B. **PARKING CITATIONS:** A vehicle parked in violation of any applicable section of Chapter 13 of the Code of Florence, Alabama may be issued a parking citation. The parking citation envelope will be placed on the windshield (or other part if necessary) of such vehicle. Parking citations that have been issued should be submitted to Municipal Court for adjudication.
- C. **GENERAL SURVEILLANCE:** Police officers should be alert to parking violations they observe while on patrol and take appropriate action.
- D. **PSO:** Civilian Police Service Officers are employed to assist in the enforcement of parking regulations. These employees report to the Traffic Division Commander. They should focus their enforcement efforts in high traffic areas, near and around shopping areas, downtown, and in response to parking complaints.

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XVI. TRAFFIC SAFETY MATERIALS

- A. The ultimate goal of traffic enforcement efforts is to achieve voluntary compliance with traffic laws and regulations. Therefore, in order to enhance public understanding of traffic safety, educational materials supporting traffic safety will be made available and distributed to the public.