

239. TRAFFIC LAW ENFORCEMENT



RICHFIELD POLICE DEPARTMENT POLICY

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Authority: Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this Policy is to establish Department procedures and expectations for traffic law enforcement.

II. POLICY

It is the policy of the Richfield Police Department to aggressively enforce state and local traffic laws/ordinances in an effort to promote safe streets and to reduce traffic collisions and their resultant fatalities and injuries.

Police Officers should observe, detect, and prevent violations of traffic laws and take appropriate enforcement action when traffic law violations are observed. Traffic law enforcement will be applied in a consistent and courteous manner to foster a positive public attitude and acceptance of such enforcement and control.

Officer discretion is an integral element in enforcement action. Attendant circumstances may change the seriousness of the violation. The provisions of this Policy should not preclude the use of sound judgement by the police officer in evaluating the seriousness of the violation and circumstances and conditions existing at the time of the violation.

III. DEFINITION

DOCUMENTED ENFORCEMENT ACTION: Documented enforcement actions include written warnings, citations (Uniform Citation), bookings and formal complaints.

TRAFFIC LAW VIOLATION: Violation of any statute, ordinance, or legally authorized regulation relating to parking, the use of streets and highways or private property, or the operation and ownership of motor vehicles and other road vehicles.

MOVING VIOLATION: Violation of any law, ordinance, or regulation affecting the use or protection of streets or highways and enacted primarily to regulate the safe movement of vehicles and pedestrians. Moving violation is a subset of traffic law violation. (Moving violation is synonymous with hazardous traffic law violation.)

IV. PROCEDURE

TRAFFIC ENFORCEMENT ACTIONS

The officer should use discretion and good judgement in determining the appropriate traffic enforcement action for each violation. All police officers should take appropriate enforcement action for each violation of traffic laws witnessed or reported to them.

All enforcement actions should be accomplished in a fair, firm, impartial, and courteous manner. The enforcement levels available to an officer include:

1) Verbal Warning

Appropriate for a minor violation which appeared to be inadvertent.

2) Equipment Repair Orders (Fix-it ticket)

Appropriate for vehicle operators to have them correct equipment failures with their motor vehicles.

3) Written Warning

Is generally appropriate for all traffic law violations; however, it may not be appropriate for violations which significantly endanger life or property or if the violation appeared to be intentional on the part of the violator.

4) Citation (Uniform Citation)

Is appropriate for all traffic law violations.

5) Physical Arrest

Used in serious offenses such as driving under the influence, fleeing police, reckless driving and/or driving with suspended or revoked driver's license when:

- a) The officer believes it is necessary to prevent bodily harm to the accused or another;
- b) The officer believes it is necessary to prevent further criminal conduct;
- c) The officer believes there is substantial likelihood that the accused will fail to respond to a citation;
- d) The violator has no proof of identification.

Note: Verbal warnings, written warnings and equipment repair orders (fix-it ticket) may be issued to any violator regardless of age, residency, or special status such as legislators, diplomatic agents or consular officers, and military personnel.

INFORMATION TO VIOLATOR

The following information **shall** be given to a violator upon issuance of a citation by an officer:

- a) The nature of the offense;
- b) Instructions call the Hennepin County Clerk of Court within 30 days to set up a court date or to find out the exact fine to be paid if not printed in fine schedule on the citation;
- c) Whether or not a court appearance is mandatory.

The violator should be advised of any other pertinent information before releasing them.

UNIFORM ENFORCEMENT PROCEDURES

1) Moving Violations

Enforcement and processing of moving violations should follow Minnesota State Statute, City Ordinance and Department Policy and Procedures. Speed violations are specifically discussed in this section of this Policy.

Speed Violations

Officers may utilize either constant speed timing, squad radar or handheld laser for speed violation detection and enforcement that may be effective for the nature of the violation.

• **Speedtiming (Pacing)**

- (1) The officer will maintain a constant speed with the violator vehicle for a sufficient distance to accurately determine vehicle speed.

• **Squad Radar**

Each Richfield squad is equipped with a radar unit. They should be used in accordance with this Policy and Department Procedures.

- (1) Officers may use radar in either the stationary or moving mode.
- (2) A Richfield Police Department Officer Calibration Log (RPDNet) should be initiated and the radar unit's calibration should be verified at the beginning of the shift. The

radar unit's calibration **shall** be verified prior to issuing a radar speeding citation. A Richfield Police Department Officer Calibration Log (RPDNet) shall be completed whether or not traffic enforcement action was taken.

- (3) Calibration should include both internal (calibration mode) and external using tuning forks. If the radar unit does not calibrate properly or malfunctions in any way, the instrument should be taken out of service and the duty supervisor should be notified by the officer.
- (4) Notwithstanding the preceding, all radar units should be calibrated/inspected on an annual basis by a certified repair facility. All maintenance and calibration records for radar units and agency vehicles will be maintained by the Patrol Section Lieutenant or designee. These records are located in the following location: R-drive/Xfer/Radar & Laser folder.

- **Handheld Lasers**

Are available for officer use. They should be used in accordance with this Department Policy and Procedure.

- (1) Handheld radar units must be calibrated using a known distance prior to use.
- (2) A Richfield Police Department Officer Calibration Log (RPDNet) should be initiated and the handheld laser unit's calibration should be noted on the form. A Richfield Police Department Officer Calibration Log (RPDNet) shall be completed whether or not traffic enforcement action was taken.

2) Equipment Violations

Enforcement and processing of equipment violations should follow Minnesota State Statute, City Ordinance and this Policy. The actions an officer can take in enforcing equipment violations can range from verbal warnings, equipment repair orders (fix-it ticket), or citations. In all cases, common sense and reasonableness should prevail in making the decision in whether to issue a verbal warning, equipment repair order (fix-it ticket), or citation.

3) Non-Moving Violations

All non-moving violations should be enforced and processed in accordance with Minnesota State Statute, City Ordinance, Department Policy and Procedure.

USE OF AUTHORIZED EMERGENCY EQUIPMENT

All vehicles used in traffic law enforcement will be equipped with an approved red light, siren and appropriate markings in conformance with Minnesota Statute 169.98. The use of emergency equipment **shall** be in conformance with Minnesota Statute 169.03 Subd. 5.

Specially Marked Vehicles

Specially Marked Vehicles are vehicles equipped with a red light in the grill, a siren, a door shield, and the Department's identity on the right front door in conformance with Minnesota Statute 169.98. Specially marked vehicles may be used for traffic enforcement.

Unmarked Vehicles **shall not** be used for traffic enforcement unless an on-going investigation necessitates a traffic stop and a marked police squad is not available.

Private Vehicles shall **not** be used for traffic enforcement.

Emergency lights will be activated when attempting to stop a violator and the officer should sound the horn to get the violator's attention. If this fails, a brief sounding of the siren might put the violator on notice of the officer's intent to stop them.

If the stop has taken place in a traffic lane, the officer should leave the emergency lights and amber rear lights activated.

PREPARATION AND PROCESSING OF TRAFFIC ENFORCEMENT DOCUMENTATION

Accurate, timely, and complete reports are fundamental to this Department's efficient and effective operation. Department personnel should, therefore, make every effort to complete all forms to the best of their ability and submit them through proper channels as quickly as possible.

1) Voiding Citations

- a) Voiding citations produced by the ticket writer program or the Hennepin County Uniform Citation are the same.
- b) Members of this agency other than the Chief of Police or his designee are not authorized by law to void citations under any circumstance.
- c) Recognizing that justice may be better served by voiding a citation, or that a citation was improperly written, officers of this Department may request to void a citation for the following reasons:
 - Voiding for Administrative Error--New Citation Must be Issued. Should the issuing officer make an error in filling out a citation by entering incorrect information (i.e., wrong date or location, improper violation, etc.), or if a citation has been issued with the same date and time, and all copies of the citation are available, the officer may void the original citation after issuing a new one.
 - Citations Issued in Error--No Violation of the Law. Should an officer issue an invalid citation, that is, no violation of the law existed, because of a mistake on the part of the officer (i.e., misread sign, time of day, etc.) the officer should submit a Request For Dismissal of Traffic Citation Memorandum along with all copies of the citation.
 - Stolen Vehicles. Should an officer become aware of a citation issued inadvertently to a stolen vehicle, the officer should request the citation be voided.
- d) The procedure for voiding a citation is as follows:
 - The officer should complete a Request For Dismissal of Traffic Citation Memorandum which contains a description of the error and the listing of the replacement citation if applicable.
 - A copy of the citation containing the error should be attached to this memorandum and submitted to the Duty Supervisor.
 - The Duty Supervisor should forward these forms through the appropriate channels to the Police Chief or his designee for approval.

PROCESSING D.U.I. ARRESTS

It is the Department policy to take aggressive action, including custodial arrest, in the enforcement of DUI laws. Procedures for processing intoxicated drivers should be consistent with current Minnesota Traffic Laws and this Policy. Refer to the Department SOP for DUI processing procedures.

SPECIAL PROCEDURES

1) Juvenile

Juvenile traffic offenders **shall** be processed consistent with Minnesota State Statute 260.193 subd. 2 and 3 which reads as follows:

Subd. 2. Delinquency and juvenile traffic offender

"A child who commits a major traffic (misdemeanor and above) offense shall be adjudicated a 'juvenile highway traffic offender' as the case may be, and shall not be adjudicated delinquent, unless, as in the case of any other child alleged to be delinquent, a petition is filed in the manner provided in Section 260.131, summons issued, notice given, a hearing held, and the court finds as a further fact that the child is also delinquent within the meaning and purpose of the laws relating to juvenile courts."

Subd. 3. Adult traffic court offenses

"Except as indicated above, a child who commits a minor traffic offense (petty misdemeanor) and at the time of the offense was at least 16 years old, shall be subject to the laws and court procedures controlling adult traffic violators and shall not be under the jurisdiction of the juvenile court. When a child is alleged to have committed an adult court traffic offense and is at least 16 years old at the time of the offense, the peace officer making the charge shall follow the arrest procedures prescribed in section 169.91 and shall make reasonable effort to notify the child's parent or guardian of the nature of the charge"

2) Legislators

Members of each House in all cases except treason, felony and breach of peace, are privileged from arrest during the session of their respective houses and in going to or returning from the same.

During sessions, Senators and Representatives of the Minnesota State Legislature **shall not** be arrested if stopped for a traffic infraction (unless it is a felony or a breach of the peace, including DUI); they should be identified, cited, and immediately released.

3) Military Personnel

All military personnel assigned to local military installations should be treated as residents. Military personnel not assigned to local installations should be dealt with as residents if they are a permanent resident of Minnesota and as nonresidents if they do not permanently reside in Minnesota.

Officers are reminded that the home state driver's license of military personnel does not expire until 90 days after separation from active duty.

By Order Of:



Chief of Police