

PALM BEACH GARDENS POLICE DEPARTMENT		
TRAFFIC RELATED ARRESTS		
POLICY AND PROCEDURE 4.2.3.2		
Effective Date : 08/31/94	Accreditation Standards: CALEA 61.1.2, 61.1.7 - 8 CFA	Review Date:

CONTENT

- 1. Traffic Enforcement Responsibility**
- 2. Enforcement Procedures**
- 3. Procedures for Officer/Violator Relations**
- 4. Glossary**

PURPOSE: To establish guidelines for officers involved in traffic related arrests.

SCOPE: This policy and procedure applies to all officers.

REVIEW RESPONSIBILITY: Patrol Operations Bureau Major

POLICY: This shall take actions to enforce traffic laws commensurate with applicable laws and seriousness of the offense committed. Warnings (written or oral) or other non-punitive enforcement actions should be substituted for physical arrests with citation when circumstances dictate, especially in the case of inadvertent violations. Officers of this are discouraged from emphasis on quantitative enforcement activities (such as ticket quota) and acknowledge that both qualitative and quantitative emphases are integral to the traffic enforcement program.

1. TRAFFIC ENFORCEMENT RESPONSIBILITY

- a. The ultimate goal of the traffic law enforcement effort is to persuade drivers to comply voluntarily with traffic laws and regulations. The purpose of traffic laws and the enforcement thereof is to modify driver behavior and subsequently to reduce crashes. Priority is placed on citing those drivers who commit hazardous moving violations.
- b. It shall be the responsibility of all sworn officers to enforce all traffic violations committed within the jurisdiction of the City of Palm Beach Gardens.
- c. The Patrol Operations Bureau Major shall have the responsibility of overseeing the execution and enforcement of traffic related violations which may result in physical arrest and/or the issuance of citations or warnings.

2. ENFORCEMENT PROCEDURES:

- a. Physical arrest
 - i. Officers will affect the physical arrest of any person in violation of those traffic laws pertaining to:
 1. Driving under the influence of an alcoholic beverage or controlled substance in violation of FSS 316.193.
 2. Willful and wanton reckless driving in violation of FSS 316.192.
 3. Fleeing or attempting to elude a police officer, in violation of FSS 316.1935.
 4. Leaving scene of accident involving serious injury or death in violation of FSS 316.027.
 5. Failure to sign a citation, in violation of FSS 318.14(3).

- ii. Physical arrest may take place for the following violations; which are traffic misdemeanors;
 - 1. Driving while license is suspended or revoked in violation of FSS 322.34.
 - 2. Failure to obey lawful command of police officer or fire department officer, in violation of FSS 316.072 (3).
 - 3. Leaving scene of accident involving attended property in violation of FSS 316.061.
 - 4. Making false accident report, in violation of FSS 316.067.
 - 5. In the above violations, great care must be taken by the officer in reaching the decision to physically arrest the violators. Factors that should be considered include the circumstances surrounding the violator, arrest & driving history, or any lack of ties to the community that may make a court appearance by the violator unlikely. Under most circumstances, issuance of a citation should suffice. However, the officer should keep in mind that the above violations are misdemeanors and can be handled as such.
 - iii. Any other traffic violations that are misdemeanors, (i.e. driver license or tag expired more than four (4) months, misrepresentation of insurance, etc.) will normally be handled by issuance of a traffic citation. Only under extremely unusual circumstances should a physical arrest be made for these violations.
 - iv. All arrests including those of juveniles must be in compliance with chapter 901, Florida statutes.
 - v. It is important that the arrests meet all the requirements imposed by law.
 - vi. Physical arrest of a traffic violator can be made with any valid confirmed traffic or criminal arrest warrant.
- b. Traffic citation shall be issued based upon:
- i. Probable cause which satisfies the element of the specific violation being charged. Discretion may be used by officer enforcing hazardous and non-hazardous violations when appropriate. A traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, parking violations and operating unsafe and/or improperly equipped vehicles.
 - ii. All officers will have access to utilize Florida Uniform Traffic Citations. Such citations are furnished by the Florida Department of Highway Safety and Motor Vehicles.
 - iii. All officers shall receive citations and the Traffic Sergeant shall maintain additional copies of all newly revised Florida Statutes. Such newly revised Florida Statutes will be posted for quick reference for all uniformed officers.
- c. Written warning -Is a proper alternative by officer in response to a minor traffic infraction committed in those areas where traffic accident experience is minimal. The use of a written warning is also appropriate when the violation is inadvertent and the warning would be sufficient to assure that the behavior would not be repeated.
- d. Verbal warning -The use of a verbal warning by members of the department may be utilized in circumstances warrant. Inadvertent violations which are non-hazardous would fall under these criteria. A verbal warning issued at the appropriate time will encourage the violator to improve their driving habits and promote an environment of courtesy and respect.

3. PROCEDURES FOR OFFICER/VIOLATOR RELATIONS

- a. Officers executing a traffic stop shall do so in concert with notification with communications.
- b. Once the officer has stopped the violator and approached to a point where communications begin, the officer-violator relations are activated. The officer will:
 - i. Be alert at all times for the unexpected, but not be obviously apprehensive.
 - ii. Be absolutely certain that the observation of the traffic violations were accurate -without reservation.
 - iii. Present a professional image in dress, grooming, language, bearing and emotional stability.
 - iv. Be prepared for the contact by having the necessary equipment immediately available.

- v. Prior to coming in contact with the violator, the officer shall, via radio communication, notify dispatch of the traffic stop including vehicle description, tag number, location, and occupants.
- vi. The officer shall greet and inform the violator as to what traffic law has been violated; the violator should not be kept in suspense.
- vii. The officer shall ask for the violator's driver's license, vehicle registration, and proof of insurance and accept only those forms.
- viii. The officer shall try to obtain another document of identification if the violator has no drivers license.
- ix. During the course of the contact the officer will be alert for signs of physical impairment, emotional distress, and alcohol and/or drug influence. If any of these signs are observed, the appropriate action should be taken.
- x. Complete the forms required for the enforcement action taken or exercise a verbal warning if this is the decision.
- xi. Explain to the violator exactly what he/she is supposed to do in response to the action, making sure the violator knows where and when to appear if the enforcement action requires a court appearance. Explain any alternatives to the violator, but do not predict the actions the court.
- xii. Return the violator's driver's license, registration, and a copy of the warning or citation.
- xiii. At the end of the contact, the officer should provide any assistance necessary to enable the violator to re-enter the flow of traffic.

4. DEFINITIONS

- a. Physical Arrest -Any enforcement action that consists of taking persons into custody for the purpose of holding or detaining them to answer a charge of law violation before the court.
- b. Traffic 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 roadways when the person has knowledge of this action and when it is to:
 - i. Prevent such violation from endangering persons or property or inconveniencing other users of the roadway.
 - ii. Prevent continued violations, or
 - iii. Discourage reoccurrences.
- c. Traffic Law Enforcement -Law enforcement as it applies to statutes, ordinances, and legally authorized regulations relating to the use of street and highways and ownership and operation of motor vehicles and other road vehicles.

INDEX AS:

- TRAFFIC RELATED ARRESTS

RESPONSIBILITY INDEX

- PATROL OPERATIONS BUREAU MAJOR
- TRAFFIC SERGEANT
- SERGEANTS
- OFFICERS

DRAFTED: 08-31-1994 FILED: 4.2.3.2.pdf

APPROVED:



Stephen J. Stepp
Chief of Police

03/10/2003

Date