

PALM BEACH GARDENS POLICE DEPARTMENT		
TRAFFIC ENFORCEMENT OF SPECIAL PERSONS		
POLICY AND PROCEDURE 4.2.3.5		
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PURPOSE: To establish guidelines for officers involved in traffic enforcement actions that require special processing.

SCOPE: This policy and procedure applies to all officers.

REVIEW RESPONSIBILITY: Patrol and Traffic Unit Supervisors

POLICY: This Department recognizes that certain classes of traffic law violators require special processing, such as foreign diplomats/consular officials, legislators, military personnel, juveniles, and non-residents. Whenever circumstances include violators of these classes, officers will adhere to the provisions therein.

1. NON-RESIDENT TRAFFIC VIOLATORS

- a. Non-resident(s) -Any person (including persons residing out of the agency's service area) stopped for traffic violation(s) will be subject to enforcement measures including verbal or written warnings, citations, or physical arrest.

2. JUVENILES

- a. When an officer issues a moving citation to a juvenile violator who is in violation of a learners permit and is not accompanied by a licensed driver twenty one (21) years of age or older, the officer may attempt to contact the parent or guardian of the violator. At the officer's discretion, the parent/guardian may respond to the location of the traffic stop to take custody of the violator and vehicle, or the vehicle may be towed.
- b. Juveniles sixteen (16) years of age or older who have committed a traffic infraction may not be placed into custody but will be issued a citation or warning with the exception of criminal traffic offenses.

3. STATE LEGISLATORS

- a. When an officer makes a traffic stop and the violator identifies them self as a state legislator, the officer may with discretion and respect follow the guidelines with regards to traffic citation and physical arrest as they would with any violator. State legislators may not claim the privilege to diplomatic immunity.

4. U.S. HOUSE REPRESENTATIVES AND U.S. SENATE

- a. When an officer makes a traffic stop and the violator identifies them self as a member to the U.S. House of Representatives or a member of the U.S. Senate, the officer should use discretion, but may if enforcement action is necessary, issue the violator a traffic citation. Diplomatic immunity from arrest privileges do apply to members of the U.S. House and members of the U.S. Senate. They are exempt from physical arrest during their attendance in session of their respective houses and while traveling to or returning from same. The privilege from arrest cannot be claimed when the offense involves treason, a felony or breach of the peace.

5. FOREIGN DIPLOMATS/CONSULAR OFFICIALS

- a. When an officer makes a traffic stop and the violator identifies themselves as a foreign diplomatic officer or consular official, the officer should use discretion but may issue the violator a traffic citation if that is the enforcement action necessary. When a traffic stop is made and the officer determines that the violator is DUI, or other circumstances are present that require physical arrest the following guidelines will apply.
- b. Under international law, all accredited diplomatic officers and ambassadors of foreign nations are immune from arrest. They may be detained only for the time necessary to confirm their diplomatic status.
 - i. Any diplomatic officer or ambassador found driving while under the influence of alcoholic beverages or narcotic drugs will be released to family members, friends, or taken home.
 - ii. Officers coming in contact with diplomatic officers or ambassadors who meet the criteria for Baker or Marchman Act treatment will contact the embassy of the nation concerned, or, if contact cannot be made, the United States Department of State in Washington, DC, in order to determine what action to take.
- c. Under international law, foreign consular officers are not immune from arrest; however, physical arrests will be made only upon court order for a felony offense (arrest warrant).
- d. If during any investigation a person that is to be arrested claims to be a diplomatic officer or ambassador, the officer conducting the investigation will contact the on-duty Sergeant, who will contact the United States Department of State and determine the person's status prior to effecting the arrest.
 - i. Under certain circumstances, some persons have privilege from arrest. Such privilege, as distinguished from immunity does not prevent an officer from making an arrest which is otherwise legal. Privilege from arrest simply means that the one who has such privilege may have the arrest set aside. The arrest remains valid until voided.

6. MILITARY PERSONNEL

- a. If an officer makes a traffic stop and determines that the violator is currently assigned to any branches of the United States Armed Forces, the officer may issue the violator a traffic citation.
- b. In a traffic stop where the violator is determined to be DUI, or circumstances arise that would call for the physical arrest of the violator, then the investigating officer(s) supervisor shall notify the liaison officer of the nearest Armed Forces investigation headquarters.

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