

JACKSONVILLE POLICE DEPARTMENT

Policy: 10-2
Effective: 01-01-09
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TRAFFIC ENFORCEMENT

PURPOSE: To give sworn personnel guidelines when issuing an Arkansas Uniform Law Enforcement Citations and performing traffic stops.

POLICY: Traffic law enforcement involves all law enforcement activities or operations which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Enforcement not only involves arrests and citations, it includes effective warnings to drivers and pedestrians which help prevent them from committing minor violations. Traffic law compliance is promoted through the judicious use of verbal and written warnings in place of traffic arrest. Traffic enforcement can be reactive to observed violations, at collisions, or in response to community concerns, or may be proactive, to effectively prevent traffic violations. Enforcement should be in proportion to traffic collisions with respect to time, place, and type of violation. However, overzealous enforcement without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the Department and the community it serves. (7.30)

DEFINITIONS:

- I. COVERT: Secret; not intended to be known, seen, or found out.
- II. OVERT: Unconcealed; done openly and without any attempt at concealment.
- III. CONSPICUOUS: Easily or clearly visible.

PROCEDURES:

- I. TYPES OF ENFORCEMENT ACTIONS (7.30)
Enforcement action may consist of a verbal or written warning, citation, or physical arrest.
 - A. Officers will make a physical arrest under the following circumstances:
 1. When pertaining to Driving Under the Influence of Alcohol or other Intoxicants.
 2. Whenever a felony has been committed involving a vehicle.
 3. Whenever the driver attempts to elude a law enforcement officer.
 4. When the officer has reason to believe that the person will not comply with the summons if issued.
 - B. An Arkansas Uniform Law Enforcement Citation should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or unsafe operations and improperly equipped vehicles.
 - C. Officers can use their discretion to issue a written warning as an enforcement alternative in response to minor traffic violations committed in those areas where the potential or incidence of a traffic collision is minimal and in the officers' judgment the use of the written warning will change the violator's behavior.
- II. HANDLING: SPECIAL CATEGORIES OF VIOLATORS
 - A. Non-residents: Officers should consider use of warnings for non-residents simply passing through this jurisdiction, who commits a minor, non-hazardous violation.

- B. Juveniles: Officers should consider use of warnings for juveniles who commit a minor, non-hazardous violation. Warnings, if given, may include notice to parents.
- C. The members of the Senate and House of Representatives and the Clerks, Sergeants-at-Arms, and Door-keepers of each branch of the General Assembly shall be privileged from arrest during the session of the General Assembly and for fifteen (15) days before the commencement and after the termination of each session. Nothing contained in this section shall be construed as to extend to cases of treason, felony, or breach of peace or to privilege any person named from being served at any time or place with a summons or notice to appear (A.C.A. §16-81-102). The issuance of a traffic summons for a moving traffic offense is allowed, as is a physical arrest in the case of an offense involving DWI.
- D. Foreign diplomats/Consular officials who possess diplomatic identification issued by the U.S. State Department are immune from arrest or detention to varying degrees. Officers should identify the immunity status of the violator by carefully reading the ID card presented and be familiar with the meanings. Information can be obtained at www.travel.state.gov. Any questions on an individual's status or immunity can be answered by calling (202) 647-1985 or (202) 647-7277 (after hours). Issuing a citation for a traffic violation would not be considered a detention; however, warnings are encouraged for non-hazardous violations. If a diplomat is stopped for a violation, such as DWI, the officer should contact a supervisor and pursue alternatives to arrest (e.g. calling a responsible person to take custody). See Policy 10-20: Consular Notification Process
- E. The organized militia shall be privileged from arrest during their attendance at muster and attendance at drills and in going to and returning from attendance at muster and drills in all cases except treason, felony, and breach of peace (A.C.A. §12-62-401). The issuance of a traffic ticket for a moving traffic offense is allowed, as is the physical arrest in the case of an offense involving DWI.

III. INFORMATION REFERENCE TO TRAFFIC SUMMONS (7.23)

The Arkansas Uniform Traffic Ticket and Complaint will be completed whenever a motorist is to be charged with a motor vehicle violation and the motorist will be told the following:

- A. The location, date, and time of the court appearance.
- B. Whether court appearance by the motorist is mandatory.
- C. Whether the motorist may be allowed to prepay the fine prior to court and enter a guilty plea.
- D. Any other information necessary prior to release of the motorist.

IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

The following guidelines for uniform traffic law enforcement actions in routine situations are provided to assist officers in making decisions as to whether or not a traffic summons is warranted.

- A. Speed Violations: This should be a clearly convictable speed violation in court and may depend on the location of violation (congested area, downtown, school zone, etc.).
- B. Other Hazardous Violations: Consider the degree of hazard, the location, previous collision history of location, current directed patrol emphasis, etc.
- C. Off-Road Vehicles: When encountering "off-road" vehicles, officers should consider the circumstances involved when making an enforcement decision. Off-road recreational vehicles not licensed for street use include, but are not limited to, the following:
 1. Two (2) wheeled motorcycles or mini-bikes manufactured for off-road use only;
 2. Three (3) and four (4) wheeled motorized ATV's (All Terrain Vehicles).
- D. Equipment Violations: Consider a warning unless the violation is a serious equipment violation (e.g. no headlights, no brake lights, no tail lights).
- E. Public Carrier/Commercial Vehicle: Those who violate traffic laws will be treated in the same