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<b>Enforcement of Traffic and Parking Violations</b>		



Cross Reference: 5.05, 5.06

## I. Introduction

The primary objectives of traffic and parking enforcement are to ensure the safe movement of vehicular and pedestrian traffic, to reduce the number of traffic crashes and related injuries, and to reasonably and impartially enforce traffic and parking laws.

## II. Policy Statements

- A. Sworn personnel shall take appropriate traffic and parking enforcement action consistent with applicable laws, Division Directives, objectives, and goals.
- B. On-Duty Traffic Stops
  1. Only uniformed sworn personnel driving marked units shall make traffic stops unless part of a planned tactical operation. Personnel operating an unmarked Division vehicle who observe a traffic violation and deem a traffic stop is warranted shall contact Communications personnel and request that a marked vehicle make the stop.
  2. The interaction between sworn personnel and traffic violators during traffic stops can affect public perception of the Division and the officers' ability to safely conduct the stop(s). In order to project a professional image and help gain compliance from traffic violators during traffic stops, upon initial contact with the violator, sworn personnel should:
    - a. Introduce themselves by rank and last name,
    - b. Identify themselves as officers from the Columbus Division of Police,
    - c. Explain that they are recording,
    - d. Briefly explain the reason for the stop, and
    - e. Ask if there was a justifiable reason for the violation.
  3. Sworn personnel shall request the operator's license, vehicle registration, and proof of insurance.
  4. Traffic enforcement duties may be conducted in either a stationary or moving manner. Sworn personnel shall remain visible to motorists and shall not attempt to conceal themselves or their vehicle(s).

5. Enforcement action shall be accomplished in a firm, impartial, and courteous manner. Sworn personnel making traffic stops should decide what course of action to take prior to approaching the violator; however, further information may alter the original decision. Sworn personnel should ensure it is fact that alters the decision, not the violator's personality.

#### C. Off-Duty Enforcement Policy

Off-duty sworn personnel in private vehicles shall neither enforce traffic laws nor stop the operator of a vehicle who is involved in a misdemeanor offense. Off-duty personnel who observe a traffic violation, or observe the operator of a vehicle involved in a misdemeanor offense, and deem that a traffic stop is warranted shall contact Communications **personnel** and request that a marked vehicle make the stop.

#### D. Uniform Enforcement Policies

1. In order to apply uniform traffic enforcement policies, the following guidelines have been established. Deviation from these guidelines may require justification.

##### a. Driving under the influence of alcohol/drugs

If sworn personnel establish probable cause that the operator of a vehicle is under the influence of alcohol **or** drugs, the violator shall be appropriately charged. **Refer** to the "OVI Violators" directive.

##### b. Driving under suspension/revocation or no operator's license

- (1) If the operator of a vehicle does not have a valid operator's license in his or her possession, sworn personnel shall check LEADS to confirm the existence of a valid license.

- (a) If the operator has a valid license and proper identification has been established, a traffic citation should not be issued.

- (b) If the violator does not have a valid license, appropriate enforcement action shall be taken.

- (c) If the operator's license is suspended or revoked, sworn personnel shall issue a traffic citation or make an arrest, note the LEADS information on the traffic citation, and attach the printout to the Arrest Information, form U-10.100. Sworn personnel shall write on each page of the LEADS printout that the printout is being forwarded to the prosecutor's office and the date and time it was sent.

- (2) Sworn personnel shall not allow an unlicensed operator to drive a vehicle from the location of a stop.

##### c. Speed violations

- (1) Sworn personnel should issue a warning to the operator of a vehicle whose speed is five miles per hour or less over the speed limit.

- (2) Sworn personnel may issue a warning or traffic citation to the operator of a vehicle whose speed exceeds the speed limit by six to nine miles per hour based upon the totality of the circumstances at the time of the violation.

- (3) Sworn personnel should issue a traffic citation to the operator of a vehicle whose speed exceeds the speed limit by ten miles per hour or more.
- d. Failure to yield to an emergency vehicle
    - (1) When sworn personnel observe the operator of a vehicle failing to yield to an emergency vehicle, personnel shall consider if the motorist was, or reasonably should have been, aware of the emergency vehicle. Factors to consider include whether the emergency vehicle's emergency lights and siren were operating and whether the emergency vehicle was being operated with due regard for safety.
    - (2) Sworn personnel should question operators in all situations involving suspected failure to yield to emergency vehicles and attempt to determine if the operator had appropriate warning of the approaching emergency vehicle.
  - e. Other hazardous violations

Sworn personnel should issue a traffic citation to the vehicle operator who commits a traffic violation in a hazardous or high traffic crash location. Refer to the "Traffic Crash Investigations" directive.
  - f. Off-road vehicle violations

Upon receiving complaints regarding trespassing and/or property damage caused by the operation of an off-road vehicle, investigating sworn personnel shall attempt to identify the vehicle operator if the property owner wishes to file charges.
  - g. Equipment violations
    - (1) Sworn personnel should issue a traffic citation when a vehicle's required equipment is either missing or inoperable and the operator should have been aware of the problem, for example, old damage to a front fender with a missing headlight.
    - (2) Sworn personnel shall not allow any vehicle deemed unsafe as specified in the Columbus City Code to operate on the public roadways.
  - h. Public carrier or commercial vehicle violations

Sworn personnel shall handle the operator of a public carrier or commercial vehicle who commits a traffic violation in the same manner as the operator of a private vehicle who commits a similar violation.
  - i. Other non-hazardous violations

Non-hazardous traffic violations are violations of the traffic laws affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles and pedestrians, such as a registration violation. The decision to either warn or issue a traffic citation to a violator for a non-hazardous traffic violation shall ultimately rely on the sworn personnel's judgment based on the totality of the circumstances at the time of the violation.

j. Multiple violations

- (1) Sworn personnel shall follow established guidelines to either warn or issue a traffic citation to the operator of a vehicle for a single or multiple hazardous violations.
- (2) Sworn personnel should not file a second traffic charge on the operator of a vehicle if a single offense being charged is all-inclusive, for example, reckless operation.
- (3) The decision to warn or issue a traffic citation to the operator of a vehicle for multiple hazardous violations should be based on sworn personnel's judgment regarding the totality of the circumstances at the time of the violation.
- (4) If there are multiple equipment violations on the same vehicle, sworn personnel should issue a traffic citation for only the most serious equipment violation.

k. Newly enacted laws or regulations

Sworn personnel should issue a warning for a non-hazardous traffic violation of a newly enacted law or regulation for a period of 30 days from the effective date of the law or regulation.

Note: This policy does not apply if specified otherwise by law, regulation, or special order.

l. Pedestrian and bicycle violations

Sworn personnel should issue a traffic citation to pedestrians or bicyclists whose actions create a hazard to themselves, pedestrians, or vehicular traffic.

m. Non-resident traffic violators

- (1) Sworn personnel may issue a traffic citation to persons from any state unless excluded by law.
- (2) The Ohio Revised Code (ORC) Non-Resident Violators Compact statute permits a traffic citation be issued to a resident of a compact state. The violator shall be required to sign the traffic citation. Sworn personnel shall instruct the violator that signing the citation guarantees that he or she will meet the terms and instructions of the traffic citation and that failure to comply before the assigned court date shall result in the suspension of his or her operator's license by the issuing state.
  - (a) Refer violators to the Clerk of Courts for all appearance bond questions.
  - (b) Personal recognizance is permitted unless prohibited by law.
  - (c) Categories of violations not covered by the compact:
    - i) Offenses which mandate a court appearance
    - ii) Moving violations that involve a suspension or revocation
    - iii) Size and weight violations

- iv) Transportation of hazardous materials violations
- v) Registration and operator's license violations
- vi) Parking violations
- vii) Equipment violations
- (d) Sworn personnel shall escort violators refusing to sign the traffic citation to the Clerk of Courts to post bond. If unable to post bond, sworn personnel shall arrest the violator.
- (3) When encountering a violator who is a resident of a state that is not a member of the compact, sworn personnel may take any appropriate enforcement action, including the issuance of a traffic citation. There is no legislated recourse when a violator from a non-member state does not appear in court or pay the citation. Non-member states are as follows:
  - (a) Alaska
  - (b) California
  - (c) Michigan
  - (d) Montana
  - (e) Oregon
  - (f) Wisconsin

#### E. Arrest Exceptions for Minor Misdemeanor Traffic Violations

1. Sworn personnel shall not arrest for a minor misdemeanor traffic violation unless the sworn personnel witnessed the traffic violation and one of the following conditions applies:
  - a. The offender requires medical care or is unable to provide for his or her own safety.
  - b. The offender cannot or will not offer satisfactory evidence of identity.
  - c. The offender refuses to sign the traffic citation.
  - d. The offender has previously received a citation for the same misdemeanor offense and has not responded to it properly.

#### F. Felony Traffic Violators

1. Arresting personnel shall process prisoners who have been arrested for felony traffic offenses, including felony OVI.
2. Accident Investigation Unit (AIU) personnel may assist the arresting personnel with a felony fleeing case if requested.

#### G. Traffic Enforcement and Legislators

Sworn personnel shall not arrest members of the General Assembly while traveling to, from, and during sessions of the General Assembly. Sworn personnel may issue traffic citations.

## H. Traffic Enforcement and Foreign Diplomats

1. When encountering a traffic violator who claims diplomatic immunity, sworn personnel should immediately ask for official Department of State identification. Normal arrest and detention procedures should be followed if the individual fails to produce satisfactory identification. Routine traffic citations do not constitute arrest and are permissible; however, the signing of the traffic citation cannot be required. Although a person with diplomatic immunity may not be detained or arrested unnecessarily, if a public safety issue is involved the person may be detained for the safety of the community.
2. Any enforcement action beyond issuing a traffic citation should be fully documented and a copy forwarded through the chain of command to the appropriate deputy chief, who shall forward the information to the Department of State.
3. Should additional information concerning the verification of diplomatic immunity be needed, Communications **personnel** maintain a manual on procedures for dealing with foreign dignitaries.

## I. Traffic Enforcement and Military Personnel

1. Military personnel are exempt from arrest while:
  - a. Performing their official duties and operating under orders of their commanding officer, or
  - b. Traveling to and from their place of duty, including parades.
2. Military personnel operating a vehicle may be issued a traffic citation.

Note: The signing of the citation is not required pursuant to the ORC.

## J. Enforcement of Parking Violations

1. Sworn personnel dispatched to or observing illegally parked vehicles during their tour of duty or, if applicable, while working special duty shall take appropriate enforcement action. If possible, sworn personnel should attempt to make contact with the registered owner prior to taking enforcement action.
2. Sworn personnel shall issue a parking citation and impound an illegally parked vehicle creating an unsafe condition to other motorists or pedestrians or impeding the flow of vehicular or pedestrian traffic.
3. Armored vehicles are subject to parking rules, regulations, and laws. Due to the substantial risks involved with transferring valuables, sworn personnel shall use discretion.
4. The following City holidays are the only “free parking holidays” at City parking meters as listed by the Parking Violations Bureau:
  - a. New Year’s Day (January 1)
  - b. Martin Luther King, Jr., Day (third Monday in January)
  - c. Presidents Day (third Monday in February)
  - d. Memorial Day (last Monday in May)

- e. ***Juneteenth (June 19)***
  - f. Independence Day (July 4)
  - g. Labor Day (first Monday in September)
  - h. Veterans Day (November 11)
  - i. Thanksgiving Day (fourth Thursday in November)
  - j. Christmas Day (December 25)
5. On City holidays, sworn personnel should enforce parking restrictions at locations that are properly posted and specifically limit parking at all times, for example, areas designated as “No Stopping,” “Bus Stop Only,” etc.
  6. On City holidays, sworn personnel shall not enforce parking restrictions at locations that are posted and only limit parking during specific periods of time, for example, areas designated as “No Stopping 7 a.m.–9 a.m.,” “No Stopping 4 p.m.–6 p.m.,” etc.
- K. Sworn personnel shall be accountable for all books of parking infraction notices and traffic citations issued to them. Only supervisors shall sign out these books.
  - L. The establishment of traffic citation quotas by any supervisor shall be prohibited.
  - M. Sworn personnel shall complete the Traffic Data Collection, form U-10.117, for all self-initiated traffic stops.
    1. If possible, complete the electronic version of the Traffic Data Collection form on the vehicle’s MDC or Division computer workstation.
    2. If the electronic version is not available, complete the paper Traffic Data Collection form and turn it in prior to the end of the tour of duty.
  - N. Sworn personnel shall conduct warrant checks and verify possible warrants on all traffic violators.
  - O. Sworn personnel shall conduct a LEADS check on all traffic violators to check the status of their operators’ licenses.
  - P. Traffic Enforcement and Illegal Immigrants
    1. Sworn personnel arresting a suspected illegal immigrant shall fax the Arrest Information form to the Detention and Removal Office (DRO) within the Immigration and Customs Enforcement (ICE) office. The fax number for DRO is (614) 469-5100.
      - a. During regular business hours, questions regarding this process may be directed to the DRO office at (614) 469-2900.
      - b. After regular business hours, if sworn personnel believe the suspected illegal immigrant may be released prior to the next business day, personnel should telephone DRO at (614) 332-7986 to notify the on-duty agent.

### III. Procedures

Note: The following procedures do not specifically apply to OVI violations. Refer to the “OVI Violators” directive for procedures.

#### A. Issuing a Traffic Citation – Violator Not Slated

1. Complete all required information on the traffic citation. List only the issuing officer.
2. Check the appropriate box to indicate whether the violator provided proof of insurance. If not provided, advise the violator to contact the Bureau of Motor Vehicles for further information.
3. If the violation occurs outside Franklin County, insert the name of the county in which the violation occurred in place of Franklin in the affidavit portion.
4. Check the box with the appropriate court address on the front of the citation, regardless whether it is a summons to appear or a payable violation.
5. Check the box “personal appearance required” when the violator is ordered in.
6. Assign a court appearance date.
  - a. Adult violators
    - (1) Assign a court date 7 to 10 calendar days from the date the traffic citation is issued.
    - (2) Do not assign a court date on a holiday.
    - (3) Assign a court **date** Monday through Friday.
    - (4) Assign a courtroom as follows:

Community Services North, Traffic, and Other Bureaus	For citations with the last names A–K, 9:00 a.m. in Courtroom 1A.
	For citations with the last names L–Z, 9:00 a.m. in Courtroom 1B.
Community Services South	For citations with the last names A–K, 10:00 a.m. in Courtroom 1A.
	For citations with the last names L–Z, 10:00 a.m. in Courtroom 1B.

b. Juvenile violations occurring within the City of Columbus in Franklin County:

- (1) Check the box with the appropriate court address on the front of the citation.
- (2) **Ensure the address on the license is current, and if not, write the correct address on the signature line.**

Residential County

Franklin County or Out of State	Write "To be set" – Franklin County will notify.
Other Ohio County	Write "To be set" – Franklin County will notify.

c. Juvenile violations occurring within the City of Columbus in Delaware County:

Residential County

Delaware County	Assign a court date of Thursday, 14 to 21 days from the violation, at 8:30 a.m., 140 North Sandusky Street, Delaware, Ohio 43015.
Out of State	Write "To be set" – Delaware County will notify by mail.

d. Juvenile violations occurring within the City of Columbus in Fairfield County:

Residential County

Fairfield County	Assign a court date of Wednesday, 7 to 14 days from the violation, at 8:30 a.m., 224 E. Main Street, Lancaster, Ohio 43130.
Other Ohio County or Out of State	Write "To be set" – Fairfield County will notify by mail.

7. Inform the violator of the following:

- a. The specific offense charged.
- b. Whether the traffic citation can be paid or a court appearance is mandatory, if applicable.
- c. Failure to sign the citation may result in arrest, if applicable.

- d. If a court appearance is not required, payment options are printed on the traffic citation.
  - e. Read Notice #2 on the rear of the citation for additional information.
  8. Give the violator the pink copy of the citation.
  9. Complete an Arrest Information form for:
    - a. Adults when a court appearance is ordered, or
    - b. Juveniles when the violation is more serious than a minor misdemeanor.
  10. Forward the remaining copies of the traffic citation and the Arrest Information form to the Court Liaison Unit.
- B. Issuing a Traffic Citation - Violator is Slated
1. Complete all traffic citations and an Arrest Information form prior to having the prisoner transported to jail. List only the issuing officer on the traffic citation.
  2. If the offense occurs outside Franklin County, but within City limits, print the name of the county in which the offense occurred in place of "Franklin" in the affidavit portion of the traffic citation.
  3. Print "slated" in the court date box of the traffic citation.
  4. The Clerk of Court's office will place the case number(s) on the traffic citation(s). Place the violator's copy (pink) of the traffic citation(s) with the prisoner's property.
  5. Slate the violator on all charges arising out of the same incident if you witnessed the misdemeanors or if an exception permits arrest for those misdemeanors not committed in your presence.
- C. Issuing a Parking Citation
1. Complete all of the required information on the citation.
  2. Write only one violation per citation.
  3. Secure the orange (bottom) copy of the citation to the vehicle in a visible location.
  4. At the end of the tour of duty, forward the remaining copies of the citation to the Traffic Bureau.
  5. Remain with a vehicle creating a condition dangerous to other motorists or pedestrians until it is impounded or moved.
- D. Dismissing Traffic Citations
1. Sworn personnel issuing a traffic citation
    - a. Do not write on or deface any copy of the citation.
    - b. Return all copies of the traffic citation that are still in your possession and forward to your immediate supervisor by the end of your tour of duty or as soon as practical, and advise him or her of the circumstances.
    - c. If the traffic citation has been filed, during normal business hours (8:30 a.m.–7:00 p.m.) contact the duty prosecutor to discuss the dismissal procedures.

- d. If the traffic citation has not been issued and needs to be voided due to damage, errors, etc., write “void” on the appropriate space on the ticket book ledger and present all copies of the citation to your immediate supervisor.
2. Immediate supervisor
    - a. Forward all copies of the citation as appropriate.
    - b. For traffic citations that have not been issued and need to be voided, initial and date by the “void” entry on the issuing employee’s ticket book ledger. Destroy all copies of the citation.
- E. Dismissing Parking Citations or Requesting Dismissal of Parking Citations Received While Conducting Official Police Business
1. Division personnel issuing or receiving a parking citation
    - a. Do not write on or deface any copy of the citation.
    - b. Complete the Parking Citation Dismissal Request, form U-20.100; attach all copies of the citation in your possession to the form; and forward to your immediate supervisor by the end of your tour of duty or as soon as practical.
      - (1) Indicate the reason for dismissal: “City vehicle on official business.”
      - (2) Provide additional justification for dismissal for a safety violation, for example, parking too close to a fire hydrant.
      - (3) Do not identify the driver on the Parking Citation Dismissal Request.

Note: If the parking citation has not been issued and needs to be voided due to damage, errors, etc., present all copies of the voided citation to your immediate supervisor.
  2. Immediate supervisor
    - a. Recommend approval or disapproval of the dismissal request. If a civilian supervisor, do not make a recommendation and defer to the involved deputy chief.
    - b. Forward the Parking Citation Dismissal Request form and citation through the chain of command to the bureau commander no later than the end of the first business day after the citation was issued. If a civilian manager, forward the request to the deputy chief for approval or disapproval.

Note: For parking citations that have not been issued, ensure all copies are voided and destroy the citation.
  3. Bureau commander or deputy chief of a civilian manager
    - a. Review the Parking Citation Dismissal Request form and citation.
    - b. If approved:
      - (1) Fax the Parking Citation Dismissal Request form to the Parking Violations Bureau within 48 hours of issuance.
      - (2) Forward the original citation to the Parking Violations Bureau.

- (3) Retain copies in the file.
  - c. If disapproved, return the Parking Citation Dismissal Request form and the original citation to the immediate supervisor for appropriate corrective action.
- F. Requesting Driver Re-examination or Recertification
- 1. Sworn personnel
    - a. Complete the Request for Driver License Examination or Recertification, form BMV-2308.
    - b. Base the request on the driver's ability to pass a driver's examination. Articulate probable cause to believe the individual is one of the following:
      - (1) Incompetent to drive
      - (2) Not medically qualified to be licensed
      - (3) A hazard to the general public
    - c. Sign the form and include your badge number and assignment.
    - d. Forward the completed form to the AIU.
  - 2. AIU

Process the Request for Driver License Examination or Recertification form and forward *it* to the Bureau of Motor Vehicles.
- G. Distributing Books of Traffic Citations and Parking Citations
- 1. Supervisor
    - a. Obtain books from the **Headquarters Operations** Section.
    - b. Complete the respective distribution sheet.
    - c. For books of traffic citations, complete the yellow Assignment Card, form U-20.103(B), and forward it to the Traffic Bureau.
    - d. Distribute books to assigned personnel upon receipt of a completed ledger or book jacket.
    - e. Sign the completed ledgers from books of traffic citations and forward them to the Traffic Bureau.
  - 2. Sworn personnel
    - a. Complete the ledger in the traffic citation book as citations are issued. Log all voided **and** dismissed citations.
    - b. Return the completed traffic citation ledger or the jacket of the parking citation book to your immediate supervisor when requesting a new citation book.
    - c. When transferring to a non-enforcement assignment, return all unused citations to your immediate supervisor for reissue.