



TRAFFIC

<i>Original Date of Issue</i> July 30, 1999	<i>General Order Number</i> 99-07
<i>Effective Date of Reissue</i> December 10, 2015	<i>Section Code</i> OPS-11
<i>Reevaluation Date</i> January, 2018	<i>Amends</i> OPS-11 Previous Version
<i>C.A.L.E.A.</i> 1.1.4; 1.2.5; 1.2.6; 1.2.7; Chapter 61	<i>Reference</i> (see "INDEX AS:")

INDEX AS:

Arrests	Traffic Stops
Traffic Enforcement	Citations
Parking Enforcement	Traffic Exemptions
Alcohol Enforcement	

I. PURPOSE

The ultimate goal of traffic enforcement is to reduce the number and severity of vehicle crashes. Motor vehicle crashes continue to be a health and safety issue facing our community; these crashes can result in significant injuries and death to persons of all ages, along with a significant amount of property damage. Creating a safe motoring community can be achieved through education to citizens, liaisons and partnerships with other agencies within the community to promote safe driving, and preventative patrol combined with aggressive enforcement by officers.

II. POLICY

It is the policy of the Iowa City Police Department that motor vehicle stops will be performed professionally and courteously, and with a view towards educating the public about proper driving procedures while consistently recognizing and taking the necessary steps to minimize the dangers involved in this activity for the officer, the motorist and other users of the roadway. It is the purpose of the Iowa City Police Department to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the officer and motorist.

III. PROCEDURES

A. No Quota System

The Iowa City Police Department does not use a "quota" system for the evaluation of an officer's traffic enforcement activities. All officers assigned to patrol are expected to exercise traffic enforcement as a part of their normal duties and take those steps necessary to obtain compliance with traffic laws and will determine the appropriate action when dealing with violators. The emphasis will be on qualitative not quantitative enforcement activities.

B. Discretion

When deciding on the appropriate enforcement action officers should consider the seriousness of the violation and the circumstances surrounding the violation.

1. In instances where the violation is a simple misdemeanor officers may opt to issue a written warning, verbal warning, or cite the violator. In deciding to arrest a person for a "citeable" offense the officer should have an articulable reason for this action. The reasons may include but are not limited to:
 - i. An expressed intent by the violator to miss a court date.
 - ii. Knowledge on the part of the officer of the offender missing previous court dates.
 - iii. Absence of an identifiable residence address.
 - iv. Non-local residency.

Acceptable reasons do not include a contrary attitude, alone, on the part of the offender..

2. In instances where the offense is an indictable offense, officers should take the violator into physical custody. Arrests of all types should conform with departmental requirements pertaining to arrests. When a traffic citation is issued, the officer shall request the incident number for the stop and record the incident number on the citation. Officers shall include the incident number on all related charges and documents.

C. Special Treatment and/or Exemption/Immunity

While engaged in traffic enforcement, officers may encounter persons who are at times granted special treatment and/or exemptions to laws. Appendix I lists these situations and offers guidelines to assist officers in determining the appropriate course of action when encountering these situations.

D. Enforcement of Traffic Laws

All officers are responsible for maintaining an up-to-date knowledge of Iowa traffic laws and local ordinances. Consistency is an essential part of any traffic enforcement program. The guidelines in Appendix II are to assist officers in deciding what type(s) of action to take when encountering these

situations. These guidelines will assist officers in taking fair, appropriate, and consistent enforcement action.

E. Enforcement Techniques

The Iowa City Police Department utilizes varied and diversified techniques in traffic law enforcement. Many variables must be considered when evaluating tactics to be used on a specific problem. It will be the responsibility of the officer, in consultation with the watch supervisor, to determine the tactics to be used. The tactics or techniques that may be used include but are not limited to:

1. Visible traffic observation. Stationary observation in which the observer officer is in full view but so located as to require effort on the part of traffic to discover the observer.
2. Concealed traffic observation. Stationary observation in which the observer is not visible to persons using ordinary powers of observation from the roadway.
3. Conspicuous traffic observation. Stationary observation in which the observer is positioned in such a way as to "attract" attention by keeping in full view of traffic.
4. Area traffic control. Moving or stationary patrol observation in an area which includes a particular number of streets, roads or sections of highways.
5. Line traffic patrol. Moving or stationary observation on a specified route between two points, usually on one street or section of highway.

F. Directed Traffic Enforcement

As staffing allows, an officer is to be assigned to the traffic function for each watch. This assignment is to concentrate on, but not limited to; speed violations, child restraint violations, seat belts and OWI enforcement. Directed enforcement will be utilized/assigned on an "as needed" or "as available" basis. Directed patrol may be used for a specific violation identified in a particular area or at a specific time, or in response to an anticipated traffic pattern for a particular event. Directed patrol also includes the tactic of "saturation" patrol in a specific area for either a specific violation(s) or for all violations. The watch supervisor has authority to determine the type and number of vehicles to be used for a specific type of traffic patrol. The use of an unmarked vehicle for traffic patrol will be used only upon authorization of the watch supervisor.

G. Speed Measuring Devices

1. The Iowa City Police Department will only use speed measuring equipment which meets or exceeds requirements of the FCC and/or the NHTSA.

2. Officers may use only those speed measuring devices approved by the department and in which the individual officer has been trained, and where applicable, certified. Said training will include instruction on the set up, testing, operational use and reading of the device and will meet or exceed the requirements of the NHTSA.
3. Officers shall set up and use speed-measuring devices in a manner which is consistent with their training and the manufacturer's specifications. Prior to the use of a speed-measuring device the officer shall check the equipment according to the manufacturer's specifications. If any discrepancy exists the officer shall not use the equipment. The officer shall make note of the problem and forward an equipment repair sheet to the watch supervisor. It is the responsibility of all officers to see that attached speed measuring devices are properly cared for. The Commander of Administrative Services or his/her designee will see that all equipment is maintained and calibrated according to manufacturer's specifications and will maintain the records for the duration of the lifetime of the speed measuring device with the department plus two years

H. Impaired Driving Enforcement

1. The Iowa City Police Department will create special enforcement programs aimed at the enforcement of Operating While Intoxicated laws. These programs may be in conjunction with other law enforcement agencies within the area.
2. In an effort to minimize the damage done by drivers who are intoxicated or drugged, the Iowa City Police Department places a high priority on the training of officers in the detection and apprehension of intoxicated or drugged drivers. The department will actively pursue state and federal grants pertaining to impaired driving enforcement.
3. The Department may also use directed patrol in areas or engage in traffic safety checkpoints that could result in the identification of intoxicated or drugged drivers.
4. All officers, whether on general patrol or directed enforcement duties, should be alert for driving behavior which may indicate that a driver is operating a motor vehicle while intoxicated or on drugs. When such an observation is noted the officer should:
 - i. Note unsafe or erratic driving sufficient to establish enough reasonable suspicion for a traffic contact to be made but should not let it continue so as to endanger the public or the operator of the vehicle. Officers should attempt to stop the vehicle in an area that will not interfere with or endanger traffic.

- ii. Prior to the initiation of field sobriety tests, note the demeanor, actions and signs of intoxication. These indicators should be noted in the OWI packet.
- iii. Attempt to administer field sobriety tests on all drivers suspected of driving while impaired. The information gathered during the administration of these tests should be recorded in the OWI packet. Field sobriety tests should include but are not limited to: HGN, Walk and Turn and One leg stand. The administration of a Preliminary Breath Test should be done at the completion of the field sobriety tests.
- iv. If the operator refuses to submit to field sobriety tests, or is impaired to the point it is unsafe to administer the tests, or is otherwise unable to perform the tests, base the decision of whether to take the person into custody on other observations of the operator's condition. This may include the statement of witnesses if applicable. If based on the officer's observation of the operator and the circumstances surrounding the incident the officer believes the person is intoxicated, the person may be arrested for Operating While Intoxicated.
- v. If the person is arrested for Operating While Intoxicated, a search of the person may be made incident to arrest. The vehicle may be either parked, towed, or turned over to a sober driver at the officer's discretion and depending on the circumstances (all searches or inventories shall be in compliance with departmental directives and current court decisions).
- vi. The administration of Implied Consent, and the breath or other chemical test, shall be pursuant to state code, guidelines from the Department of Transportation, and Department of Criminal Investigation.
- vii. In instances where the operator of the vehicle is involved in a crash resulting in death or serious injury and the operator refuses to provide a specimen for chemical testing, contact the on-call County Attorney for assistance.
- viii. In instances where the operator is unable to consent or refuse, use the request for chemical test forms pertaining to intoxicated drivers who are in that circumstance.
- ix. In instances where the officer believes the operator is impaired but chemical testing indicates a BAC of less than .08, the officer may contact a Drug Recognition Expert for testing. If a DRE is not immediately available, officers should consult with a watch supervisor to determine whether to call in a DRE.

- x. In instances where the operator of a vehicle is under 21 years of age and there are indications that their BAC is in excess of .02, transport the person to the police department for administration of chemical testing. If the result is in excess of .02 but less than .08 follow Department of Transportation guidelines pertaining to .02 revocations, and offer to assist in making safe travel arrangements for the individual from the police department. This would include the officer offering to transport the individual to a reasonable location.

I. Parking Enforcement

1. Officers or Community Service Officers will respond to parking calls as available. All officers are responsible for enforcement of parking violations when brought to their attention or observed. Officers will be responsible for the enforcement of parking regulations on city streets and alleys as well as handicapped and fire lane violations on private property.
2. The Parking Department has enforcement responsibilities for overtime parking.
3. When called to a private property parking call, the officer or community service officer will make a determination if the complainant has the authority to request a vehicle be ticketed or impounded. When a vehicle is to be impounded, the officer shall follow departmental directives pertaining to vehicle impounds.

Samuel Hargadine, Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

APPENDIX I – Guidelines Regarding Special Treatment and/or Exemption/Immunity

While engaged in traffic enforcement, officers may encounter persons who are at times granted exemptions to laws. When encountering these situations officers may follow these guidelines or if still unsure of the appropriate action, should contact a watch supervisor for further guidance.

1. Legislators are granted limited immunity from prosecution under Chapter 3 of the Iowa Constitution which states "Privileged from arrest. SEC. 11. Senators and representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the general assembly, and in going to and returning from the same."
2. Members of the National Guard are regulated under chapter 29A.41 of the code of Iowa. The code states," A member of the national guard shall not be arrested, or served with a summons, order, warrant or other civil process after having been ordered to any duty, or while going to, attending, or returning from, any place to which the officer or enlisted person is required to go for military duty. This section does not prevent the officer's or enlisted person's arrest by order of a military officer or for a felony or breach of the peace committed while not in the actual performance of the officer's or enlisted person's duty." Other members of the military, including members of the Army, Air Force, Navy, Marine Corps, Coast Guard, and reservists who are on active duties are likewise granted limited protection. When an occasion arises that requires the issuance of a traffic citation, a physical arrest or investigation of a motor vehicle crash involving a member of the armed services who is operating under conditions which offer this limited protection, the officer will notify a watch supervisor of the circumstance surrounding the incident. The watch supervisor will contact the office of the commanding officer of the military member involved and advise them of the incident.
3. Foreign diplomats and consular officials may be granted immunity. In these cases the officer should advise the person of the nature of the stop and make a determination as to if the person is able to safely continue on their way. In instances where the ability of the operator of the vehicle is in doubt the officer should take steps to insure the person safely gets to their destination. These steps may include but are not limited to; locating another driver, contacting a cab, or contacting the consulate of the person involved or the United States Department of State for further assistance.
4. Foreign nationals are subject to the laws of the State of Iowa, however there may be consular notification requirements. If a foreign national is stopped for a traffic violation, or is involved in a motor vehicle crash which requires no special investigation, there are no notification requirements. If a foreign national is physically arrested or detained for a substantial period of time there may be notification requirements. In these circumstances, refer to the Consular Notification and Access booklet in the watch commander's office for guidance.
5. Juveniles may be issued citations for traffic violations without notification of their parents. In instances where a juvenile is being taken into custody the applicable

juvenile procedures should be followed. If a juvenile is arrested for OWI, the officer shall attempt to contact the parent(s) or other responsible adult prior to initiating Implied Consent.

6. Non Iowa residents will be treated the same as Iowa residents with regard to the issuance of traffic citations. In instances where an officer has an articulable reason for believing that a person is unlikely to appear for the scheduled court appearance, the officer may require that a cash bond be posted or the person may be taken before the nearest magistrate for arraignment. The Iowa City Police Department encourages the practice of cite and release whenever possible.

APPENDIX II – Guidelines for Traffic Enforcement

Enforcement of Traffic Laws

All officers are responsible for maintaining an up-to-date knowledge of Iowa traffic laws and local ordinances. Consistency is an essential part of any traffic enforcement program. The following guidelines are to assist officers in deciding what type(s) of action to take when encountering these situations. These guidelines will assist officers in taking fair, appropriate, and consistent enforcement action.

1. Operating While Intoxicated: Recognizing that intoxicated individuals who choose to operate a motor vehicle pose a significant threat to the safety of themselves and others in Iowa City, the Iowa City Police Department will strictly enforce violations when a person operates a vehicle while intoxicated or drugged. Officers are also encouraged to strictly enforce Iowa's .02/Zero Tolerance law pertaining to underage drinking and driving.
2. Driving While Suspended, Cancelled, Denied, Revoked, or Barred: Operating a motor vehicle while a license is suspended, cancelled, denied, revoked or barred shows a disregard for the law and members of this department will enforce all such violations. If the operator is listed as a registered owner, the officer should check to see if the operator is eligible to have vehicles registered in his/her name. If the operator is not so entitled, pursuant to Iowa law the officer shall take custody of the license plates and, if available, the registration and driver's license and send them to the Department of Transportation.
3. Speed Enforcement: A driver who operates a vehicle in disregard for the posted speed limit is one who can and does cause a large number of motor vehicle crashes. Officers of the Iowa City Police Department are to take enforcement action when speed violations are observed. Since the stopping distance of a vehicle is directly related to its speed, particular efforts should be made in and around areas which have significant numbers of children or heavy concentrations of pedestrian traffic.
4. Hazardous Violations: There are many violations of the traffic code that may be considered hazardous. These violations are those that could, under the right circumstances, result in a vehicle crash. Some types of violations considered hazardous are disregard of a traffic control device, failure to yield, reckless driving, and improper lane change/usage. Since the before mentioned violations are involved in large number of the motor vehicle crashes in Iowa City, officers are expected to take aggressive action when these violations occur.
5. Off-Road Vehicle Violations: Members of this department will take appropriate action when they observe illegal on-road use of an off road vehicle. This includes, but is not limited to, enforcement of equipment, registration and licensing requirements. In instances where a vehicle is being operated off the roadway, officers need to determine if the operation is on property where the operator is entitled to be. If the vehicle is operated on private property without the permission of the controlling party, the officer may pursue appropriate criminal charges. In instances where the

vehicle is being operated on public property, the officer will make a determination as to if the particular area allows the operation of motorized vehicles.

6. Vehicles Operated on Private Property: When a vehicle is being operated on private property, the officer may enforce only the sections of the Iowa Code that are specifically applicable to enforcement off of a public highway.
7. Equipment Violations: In order for a vehicle to be safely operated on a roadway it must be equipped pursuant to state code. In many cases, the operator of a vehicle may not be aware that a piece of equipment is not operating (i.e., taillight, brake light). A warning by an officer may be all that is required to insure the defect is corrected. In those situations where a motorist is aware of a problem and has failed to correct it in a reasonable amount of time, or the violation is such that it could result in a crash, other action may be required such as issuing a citation or parking of the vehicle.
8. Commercial Vehicle Violations: All public and commercial vehicle regulations will be enforced; however, the officer's discretion, training and knowledge will determine the action to be taken for violations of public and/or commercial vehicle regulations. The officer may call a department member trained in commercial motor vehicles or contact the Iowa Department of Transportation or Iowa State Patrol for assistance. In all instances where a commercial carrier is involved in a motor vehicle crash involving serious personal injury or death, the officer should contact a trained commercial vehicle inspector for assistance in the investigation.
9. Less-Hazardous Violations: The officer should take notice of less serious violations and may make contact with the violator. The circumstances surrounding the violation should be taken into consideration when determining the enforcement action to be taken.
10. Multiple Violations: While the "stacking" of violations is not encouraged, the circumstances and seriousness of the violations should guide the officer in deciding the appropriate enforcement action.
11. Newly Enacted Laws and/or Regulations: When newly enacted laws or regulations are passed and become applicable to the motoring public, the enforcement guidelines prescribed in the text of the new law will be followed. The enforcement date of new laws/regulations will be determined by the Chief of Police or his/her designee in consultation with the city or county attorney.
12. Enforcement Guidelines for Motor Vehicle Crashes: Officers will take enforcement action when their motor vehicle crash investigation or reporting activities provide probable cause to believe that a law or ordinance has been violated. If a citation is not issued, the officer may be required to justify his/her action.
13. Pedestrian and Bicycle Violations: Officers should use discretion and take appropriate enforcement action for violations committed by pedestrians and bicycles on public property. Consideration should be given to the age of the violator and the seriousness, location, and time of day of the violation.

14. Driver Re-Examination: When an officer encounters an operator whom he/she feels should be referred to the Department of Transportation for re-examination, the officer shall complete an incident report pertaining to the incident. The report shall contain the circumstances surrounding the incident, including time of day, weather and street conditions, and the operator's information. The report shall also include the reason(s) why the officer believes the person should be re-examined. The report along with the DOT driver's referral form should be submitted to the watch supervisor for review prior to submission to DOT. **Age alone is not a reason for re-examination.**