
	<b>Florida State University Police Department</b>	
<b>Traffic Administration and Enforcement</b>		
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***Policy***

**Traffic Administration and Enforcement Policy**

It is the policy of the FSU Police Department (FSU) to enforce all traffic laws, local ordinances, and regulations uniformly and consistently, without regard to race, religion, sex, age, or economic status. Bias-Based Profiling is considered as any police-initiated action that relies upon the race, ethnicity, or national origin of an individual rather than upon the behavior of an individual. Bias-Based Profiling is therefore explicitly prohibited for any activities involving traffic administration, traffic enforcement, and/or other law enforcement operations of the FSU PD. Further information regarding the prohibition of Bias-Based Profiling can be gained in the General Order titled, "Prohibition of Bias-Based Profiling."

In addition, there shall be no "quota system" whereby an officer is required to cite a specific number of motorists during a specific time period. Impaired driving, speeding, seatbelt, child restraints and motorcycle infractions are of particular attention to the FSU PD; therefore, the FSU PD may aggressively enforce combating these types of infractions.

***Procedure***

**A. Organization and Responsibilities**

Traffic enforcement shall primary be a function of the Uniform Patrol Division. This Division shall be primarily responsible for monitoring, analyzing, planning, coordinating, and implementing the FSU PD's traffic administration and enforcement activities.

1. The FSU PD shall maintain a traffic records system capable of providing accurate information regarding the number of traffic crashes and citation issued.
2. In addition, the FSU PD shall maintain a traffic records system that is capable of providing information concerning the race/ethnicity, gender, age, location of stop, type of stop, purpose of stop, disposition of stop, whether a search was conducted, the basis of such a search, and what, if any evidence, was removed.

**B. General Traffic Enforcement**

Enforcement action does not provide an officer the right to scold, berate, belittle, or otherwise verbally abuse a traffic violator. All traffic enforcement actions shall be done in a firm, fair, impartial, and courteous manner using one of the three following methods:

1. Warnings. This Department shall not use written traffic warnings. Verbal warnings may be given for minor traffic infractions when the officer believes that such action is sufficient; however, information will be provided to the Communications Section regarding location of the stop, type of stop and disposition of the stop.
2. Traffic Citations [CFA 18.02]. The issuance of traffic citations shall be in accordance with the Uniform Traffic Citation Manual (issued by the Department of Highway Safety and Motor Vehicles). The issuance of a traffic citation is applicable in the majority of traffic offenses and should be issued to violators who jeopardize the safe and efficient flow of traffic, including hazardous moving violations. When issuing a Uniform Traffic Citation (UTC), in addition to the specific violation, officers shall include the following relevant information:
  - a. Court appearance date, if applicable.
  - b. Optional or mandatory nature of court appearance by the motorist.
  - c. Whether the motorist is allowed to enter a plea and/or pay the fine by mail at the Traffic Violations Bureau, 1276 Metropolitan Blvd., Suite 101, Tallahassee, FL 32309).
  - d. Fingerprints (if necessary).

**C. Specific Violations [CFA 18.02].**

There are a number of specific traffic violations that require officers' due attention to detail.

1. Driving Under the Influence of Alcohol and/or Drug Violations [CFA18.02 A]. Officers shall be diligent in detecting and apprehending persons suspected of violating Section 316.193, F.S. i.e., driving while impaired—alcohol or drugs. Refer to the general order titled, "DUI Enforcement & Zero Tolerance/0.02 Violations.
2. Speeding [CFA 18.02 B.]. Officers enforcing violations of speeding laws, regulations, and/or ordinances shall follow the specific procedures discussed in the General Order titled, "Speed Detection."
3. Other Moving Violations [CFA 18.02 B]. Officers shall take immediate action to stop and investigate all hazardous violations, e.g., careless driving and/or reckless driving) that place life, limb, or property in jeopardy.
4. Equipment Violations [CFA 18.02 C]. Officers may consider giving a verbal warning for minor equipment violations as defined in Section 316.610, F.S. If a citation is issued under this statute, the issuing officer shall explain the statute's provisions to the motorist, including providing the motorist or owner the option of having the vehicle inspected by a law enforcement agency once repairs have been made.
5. Public Carrier or Commercial Vehicle Violations [CFA 18.02 D]. Operators of public carriers and commercial vehicles shall be dealt with in the same manner as other vehicle operators.
  - a. The safety of passengers and/or cargo shall be a factor for the officer to consider when determining the appropriate enforcement action.
  - b. Officers shall ensure the operator possesses the proper commercial driver's license and that any endorsements are in compliance.
  - c. Should the driver of a public carrier or commercial vehicle be arrested, the officer shall contact the public agency or commercial enterprise for instructions regarding the disposition of the vehicle and its contents.
6. Other Non-Moving Violations [CFA 18.02 C.]. Officers may use discretion (verbal warning or issuance of a UTC) regarding the enforcement of non-moving violations, e.g., opened door into moving traffic, failure to show proof of insurance, etc.).

7. Multiple Violations. Officers shall exercise discretion when dealing with multiple violations. Consideration should be given to issuing a citation for a single charged that encompasses multiple violations, e.g., the most serious violations.
8. Newly-Enacted Laws and Regulations. The FSU PD shall inform all sworn (and other affected personnel) of newly enacted and updated traffic laws and regulations. This shall be accomplished by electronic dissemination of legal bulletins.

**D. Physical Arrests [CFA 18.02 A].**

The decision to effect a physical arrest should be based on sound legal principles as opposed to peripheral issues (such as motorist's "attitude"). All physical arrests shall comply with the procedures discussed in the General Order titled, "Arrests, Searches, and Seizures". A physical arrest may be made for the following violations but are not limited to:

1. Fleeing or attempting to elude a police officer.
2. Leaving the scene of an accident in violation of Section 316.027, F.S.
3. Driving, or being in actual physical control of any vehicle, while under the influence of alcoholic beverages, any chemical substance as cited in Section 877.111, F.S. and/or any substance controller under Section 893, F.S. [CFA 22.03 A.].
4. Reckless driving in violation of Section 316.192, F.S.
5. Making false accident reports in violation of Section 316.067, F.S.
6. Driving with a license suspended or revoked when the driver has prior knowledge that his or her license has been suspended or revoked. When a person's license is determined to be suspended or revoked, the officer shall
  - a. Issue a citation if the suspension or revocation is for failure to pay one traffic citation. In addition, the license shall be confiscated, the officer shall offer to contact the Communications Section to have another person pick-up the driver, and the confiscated license shall be submitted to the Records Section (along with white copies of the citation). The driver should not be physically arrested barring other circumstances. Should the driver be the owner and agrees to allow a passenger with a valid driver's license to remove the vehicle, the officer should allow the passenger to remove the vehicle.
  - b. Immobilize and impound the vehicle if the suspension or revocation is for failing to pay multiple citations. The officer shall use good judgment when determining whether an arrest of the driver is warranted.
7. Because a violation of Section 322.34(5), F.S. (habitual offender—permanent revocation of license) is a felony, the officer shall arrest the offending motorist without exception. The offender's vehicle shall be immobilized and impounded.

**E. Use of Equipment**

The General Order titled, "Responding to Routine and Emergency Calls," provides guidelines for the use of emergency lights, sirens, hazard warning lights, spotlights, and vehicle public address systems. The General Order titled, "Mobile Video System (MVS)," provides detailed guidelines on the use and operation of mobile video recorders.

**F. Traffic Enforcement Regarding Members of the U. S. Congress and Florida Legislature**

In all cases except for treason, felonies, or breach of the peace, Senators and members of the House of Representatives are immune from arrest. This immunity only applies during their attendance at

session and while going to or returning from session. Driving under the influence shall be considered within the category of a breach of the peace. A traffic infraction committed by a Florida State Legislator may result in the issuance of a citation.

**G. Foreign Diplomats/Consular Officials [18.01 C]**

Diplomatic and consular officers should be accorded their respective privileges, rights and immunities as directed by international law and federal statute. These officials should be treated with the courtesy and respect that befit their distinguished positions.

Any person with diplomatic status may be detained long enough to be issued a moving traffic citation. The officer should exercise discretion based on the nature of the violation and either issue a warning or issue a citation. Mere issuance of a citation does not constitute arrest or detention per Florida Legal Guidelines. A person with full immunity may not be compelled to sign the citation. Accordingly, such a person may not be arrested for failing to sign the citation.

Refer to General Order 22C-Foreign Nationals, U.S. Department of State Publication 10969, *Consular Notification and Access and Florida Legal Guidelines*.

**H. Traffic Enforcement Regarding Military Personnel**

On occasion, it may be necessary to issue a traffic citation to military personnel or effect a physical arrest.

1. When military personnel are physically arrested, the Armed Force Investigative Division Liaison Officer of the nearest Armed Forces HQ shall be notified by the arresting officer.
2. If a traffic infraction has been committed by military personnel, a citation for the offense may be issued.

**I. Traffic Enforcement Regarding Non-Residents [CFA 18.01 A.]**

Individuals who are not legal residents of the State of Florida shall be warned, cited, and/or arrested in the same manner as residents of this state.

**J. Juveniles [CFA 18.01 B]**

Juveniles shall be issued traffic citations in the same manner as adults. However, juveniles who are physically arrested shall be handled in accordance with the provisions of the General Order titled "Juvenile Procedures".

**K. Enforcement Vehicles**

Vehicles both marked and unmarked, used to effect traffic stops, shall be equipped with emergency lights and siren.

**L. Traffic Enforcement Regarding Plain-Clothes Sworn Personnel**

Sworn, plain-clothes personnel shall not normally conduct traffic stops unless a serious violation is observed or circumstances are present which expose the public to danger.

1. Plain-clothes officers conducting traffic stops shall advise the Communication Section of the stop, location, tag number, description of the vehicle, and the fact that they are in plain-clothes.
2. The Communications Section shall dispatch a uniformed officer in a marked vehicle to the location.
3. Plain-clothes officers shall clearly identify themselves to the violator. The plain-clothes officer may handle the enforcement actions or advises the violator to stand by until a uniformed officer in a marked vehicle arrives. The discretionary action of the plainclothes officer must take into consideration factors such as; officer and/or public safety, verbal warning, limited contact, traffic conditions, violator's reaction, any other action that best serves the safety of the plainclothes officer and back-up officer(s).
4. The plain-clothes officer shall handle the enforcement actions. The uniformed officer shall act as the back-up officer.

**M. Traffic Stop Procedures**

1. An officer responding to a call may observe a traffic violation. Unless the violation is creating a public hazard requiring immediate action, the officer shall continue with the initial call and notify the Communications Section of the violation and provide pertinent information about the vehicle, nature of the violation, direction of traffic, etc.
2. When making traffic stops, the officer shall contact the Communications Section using his or her identification number followed by "Signal 50." After acknowledgement, the officer shall inform Communications of the location of the stop, the tag number, vehicle, and driver description, if possible.
3. Officers shall direct the violator to a suitable stopping point, if possible, to ensure that normal traffic flow will not be impeded.
4. Officers shall exercise caution when approaching the violator's vehicle, observing for any suspicious activity. The approach should be based on training, experience, and circumstances.
  - a. If a high-risk traffic stop is being conducted, a secondary unit will be requested and the traffic stop should not be initiated until the back-up arrives.
  - b. Officers will place their vehicles in a position for maximum cover mandated for a high-risk stop.

**N. Driver Contact**

Upon contact with the driver of the stopped vehicle, the officer shall:

1. Utilize professional conduct to minimize conflict.
2. Upon completion of the traffic stop, assist the violator to safely re-enter the flow of traffic and notify Communications of the disposition of the stop.
3. Communications Section personnel shall include the following information on the CAD screen concerning the stop: type of stop and disposition of the stop.

**O. Bicycles and Pedestrians**

Warnings and UTC's may be issued to bicyclists and/or pedestrians who violate traffic laws. First-time violators under fourteen (14) years of age should be issued a verbal warning. *Bicycle and Pedestrian Safety* pamphlets should be given to all violators when practical.

**P. Off-Road Vehicles**

Officers shall enforce all traffic laws as they apply to off-road vehicles.

## **Q. Traffic Enforcement Practices**

Selective enforcement should be directed at those areas, times, and offenses which have been identified by analysis as problems. Directed patrol units may be used to address specific problems or complaints. A variety of tactics may be used to increase traffic law compliance.

1. Visible Traffic Patrol shall be used under the following circumstances:
  - a. Area patrol units may be deployed in specific geographical areas. Normally, officers will be assigned to particular areas for events or circumstances having high visibility.
  - b. Patrol units may be stationed on particular roads, either moving or stationary. Patrols will be used when specific roads are identified as having high traffic violations or crash rates.
2. Stationery Observation may be covert or overt, and employed for the operation of radar or laser, detection of defective equipment violations, surveys, and the enforcement of specific traffic laws.
  - a. Overt tactics may be used to slow traffic, remind citizens of their responsibility to obey traffic laws, or to observe, identify, and target particular problems.
  - b. Officers should park vehicles in a manner which does not obstruct the roadway or visibility of others.
  - c. Radar may be employed during overt observation.
  - d. Covert tactics are normally used to conduct surveys or detect violations that would not occur if the officer's presence was known. Officers may use covert observation to detect and enforce violations.

## **R. Referral for Re-Examination**

An officer may believe that a driver is unable to exercise reasonable and ordinary care while operating a motor vehicle. The officer should notify the Bureau of Driver Improvement, recommending re-examination. If the discovery is made while investigating a crash, the appropriate box on the crash report shall be marked recommending re-examination.

## **S. Traffic Safety Checkpoints**

Traffic safety checkpoints may be utilized by the FSU PD. Any traffic safety checkpoint shall have an operational plan prepared, which shall be reviewed and approved by the appropriate member of the command staff, as well as the Chief of the FSU PD, or designee, prior to the implementation of the checkpoint. Traffic safety checkpoints will be in compliance with all applicable Florida Statutes. For specific information regarding DUI checkpoints, see the provisions of the General Order titled, "DUI Enforcement & Zero Tolerance/0.02 Violations". Any traffic safety checkpoint will be documented in an After-Action Report.

**Glossary**—None

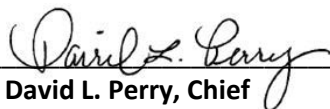
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