


Fort Collins Police Services Policy Manual

 FORT COLLINS POLICE	POLICY	500
	TITLE	Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

Fort Collins Police Services strives to improve the safety and quality of life for the community by initiating traffic contacts of motorists and bicyclists. Such contacts encourage voluntary compliance with traffic laws through education and enforcement. Further, they reduce serious-injury crashes involving motorists and bicyclists, and interdict criminal activity.

500.2 POLICY

Traffic law enforcement is a primary focus of the Agency's community-oriented policing philosophy, an essential part of neighborhood policing strategies, and therefore, a primary responsibility for patrol officers during their shifts unless such enforcements are impracticable due to call load.

500.3 ENFORCEMENT

- (a) Officers shall enforce traffic laws impartially without regard to apparent race, gender, ethnicity, age, residency, non-residency (homelessness), or employment (e.g. military, diplomatic or elected officials) based on the following guidelines:
1. Non-Residents – Out-of-country and out-of-state violators may be required to post a bond for a traffic offense if the person refuses to sign the summons. The violator must meet bonding specifications before release.
 2. Juveniles – Children less than 10-years-old who commit a traffic offense will not be issued a summons; however, they will be held and released to a parent or guardian. Juvenile traffic offenders, 10 to 17-years-old, who do not possess a valid minor's driver's license, will be detained until they can be released to a parent or guardian. Officers may issue a summons or penalty assessment for traffic violations.
 3. Legislators, Foreign Citizens, Diplomats/Consular Officials and Military Personnel – Legislators will be treated in the same manner as a private citizen contacted for a traffic violation. Exceptions shall be made during sessions of the legislature in which legislators are exempt by the Constitution of the State of Colorado. Foreign citizens diplomats and consular officials may be ticketed for traffic violations. If the person is not eligible for release, they shall be handled according to FCPS Policy 422 – Diplomatic and Consular Contacts. Military personnel operating clearly marked military vehicles while on authorized duty are exempt from traffic law enforcement. Military personnel contacted for traffic violations while driving vehicles other than military vehicles are treated the same as any other traffic violator.
- (b) Citizens in every area and patrol district of the City deserve a police officer's focus on traffic law enforcement for the safety of their neighborhoods and commuting routes. Patrol officers who do not demonstrate regular and sustained focus on the enforcement of traffic laws in their assigned patrol areas may be reassigned to another patrol area at the discretion of

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their supervisor. Officers who do not demonstrate their ability to accomplish this essential patrol officer function will be limited in their opportunities to participate in special assignments and special units, will receive below standard evaluations, and could be subject to discipline.

- (c) Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This Agency does not establish ticket quotas; however, the number of arrests or citations issued by a patrol officer is a significant measure in evaluating overall patrol officer performance. The frequency, visibility, and quality of an officer's work effort will be commensurate with the community-oriented policing philosophy of this Agency.

500.3.1 WARNINGS AND STOPS WITHOUT CITATION OR ARREST

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

It is the policy of this Agency to expect a written warning or FI Card to be completed on all traffic contacts not resulting in citation or an arrest. If none of those actions are taken, personnel are required to provide a business card in compliance with state law (CRS § 24-31-309(4)(a)).

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of the citation for a traffic violation. Officers should provide the following information at minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court
- (d) The court contact information

Officers should not comment on the plea deal that may or may not take place in the court process.

500.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the place specified in the summons, complaint, or penalty assessment notice is a court within the county in which the offense is alleged to have been committed (CRS § 42-4-1707(5)).

500.3.4 REFUSAL TO SIGN TRAFFIC CITATION

A person who refuses to sign a traffic citation for a violation which is punishable as a misdemeanor, and thereby declines to make a written promise to appear in court, may immediately be taken before a magistrate (CRS § 42-4-1705(1)(e)). However, if a person's identity can be determined, a summons should be issued rather than making an arrest.

500.3.5 PHYSICAL ARREST

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An officer may physically arrest a person on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (CRS § 42-4-1705(1)):

- (a) Negligent homicide
- (b) Driving under the influence of alcohol/drugs
- (c) Hit-and-run resulting in serious injury or death
- (d) Hit-and-run resulting in damage to any vehicle or property
- (e) A reasonable belief that the violator may leave the state and will not fulfill the obligations of the summons

500.3.6 TRAFFIC ENFORCEMENT GUIDELINES

Officers should take enforcement action when more serious violations are observed or reported. It is the intention of the Agency to take maximum enforcement action when a threat to life and public safety are involved. The following are examples of serious violations:

- (a) Violations involving drug/alcohol impairment
- (b) Drivers with a suspended or revoked license
- (c) Serious speed violations resulting in added danger to the public
- (d) Other hazardous violations including but not limited to reckless driving and speed contests
- (e) Multiple violations
- (f) Violations resulting in or that have been shown to cause traffic collisions

Officers observing less serious violations are encouraged to take appropriate action. Officers should use discretion in determining enforcement action for violations such as:

- (a) Off-road vehicle violations
- (b) Equipment violations
- (c) Public carrier and commercial violations
- (d) Other nonhazardous violations
- (e) Newly enacted laws and/or regulations
- (f) Pedestrian and bicycle violations that do not generally cause traffic collisions

500.4 SUSPENDED OR REVOKED DRIVER'S LICENSE

If an officer contacts a traffic violator for driving on a suspended, revoked, or restricted license and the violation is not an unclassified misdemeanor, the officer may, without a warrant, arrest the violator for a misdemeanor (CRS § 42-2-138).

500.5 HIGH-VISIBILITY VESTS

The Agency has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles, and disaster recovery equipment (Federal Manual on Uniform Traffic Control Devices, 23 CFR § 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE

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Except when working routine traffic enforcement, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment.

All officers shall have a high-visibility vest readily available in their Agency-issued vehicle for circumstances in which officers might be exposed to hazards in which the vest would enhance officer safety or when officers might benefit from being readily identified as an officer.

Examples of when high-visibility vests should be worn include:

- (a) Traffic control duties,
- (b) Accident investigations,
- (c) Lane closures,
- (d) While at disaster scenes, or
- (e) Anytime high visibility is desirable.

When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.