

TRAFFIC ENFORCEMENT

1. **PURPOSE:** To establish Departmental procedures for the basic enforcement of traffic-related laws.
2. **POLICY:** The Huntsville Police Department will fairly and equitably enforce the traffic laws and ordinances of the City of Huntsville, State of Alabama and the United States as adopted.
3. **SCOPE:** This directive is applicable to all sworn personnel.
4. **RESPONSIBILITY:** All sworn members will comply with this written directive.
5. **ADMINISTRATIVE PROCEDURES**
 - A. **ISSUANCE:** Uniform Traffic Citation books will be issued consecutively by book number, by Records personnel. The receiving officer will check each citation book to ensure all citations are present. The officer will then sign for the book, listing employee number and signature.
 - B. **LOSS TO BE REPORTED:** Each officer possessing a Uniform Traffic Citation book will be accountable for its condition. The loss of a Uniform Traffic Citation book or any part of a book will be reported in a memorandum to the Officer's Precinct or Division Commander, who will forward the approved memorandum to the Records Division Commander. This report will include all missing citation numbers and explain the circumstances surrounding the loss.
 - C. **VOIDING CITATIONS:** In the event it becomes necessary to void a Uniform Traffic Citation, the officer will clearly mark all copies "void." The officer will then attach all copies of the voided citation to a memorandum directed to the Officer's Precinct or Division Commander. This report will include the reason for voiding the citation and the number of the citation issued in its place. If another citation is not issued in place of the voided one, the memorandum must contain detailed information as to what circumstances necessitated the voiding without issuance of another citation. Once approved, the Precinct or Division Commander will forward the approved memorandum (with all four citation copies attached) to the Court Liaison Officer. The Court Liaison Officer will ensure the citation is properly voided by Municipal Court.
 - D. **INSTRUCTIONS:** A Uniform Traffic Ticket and Complaint may not be issued for a felony charge. Only one violation may be cited on each Uniform Traffic Citation. The issuing officer will complete the Uniform Traffic Citation in accordance with the guidelines established by the State of Alabama. These guidelines are available in Municipal Court. They encompass statute law Titles 12-12-50 through 12-12-56, Title 12-14-8, the Rules of Judicial Administration:

Rule 19 and the Uniform Traffic Ticket and Complaint Manual of the Administration of Courts.

1. The officer will review the citation for accuracy and completeness prior to asking for the violator's signature. Upon issuance of a Uniform Traffic Citation, the officer will provide the violator with an appropriate court date in accordance with the Huntsville Police Department written directive concerning traffic law enforcement Municipal Court arraignments.
 2. The officer will provide the telephone number and address of Municipal Court, with instructions that the violator must contact Municipal Court to either pay the fine or schedule a trial date. The officer will also give the violator a "Notice to Defendant in Traffic Case" sheet, commonly known as a 'green sheet'. The officer will also provide any reasonable information requested by the violator prior to their release.
 3. The officer will not attempt to answer any questions concerning the amount of a fine or related court cost. Instead, the officer will instruct the violator to follow the instructions on the Notice to Defendant in Traffic Case sheet and contact Municipal Court for further information.
 4. The officer will present the completed Uniform Traffic Citation to a Municipal Court magistrate within forty-eight hours of the issuance of the citation, at which time he or she will swear to or affirm the validity of the citation before the magistrate.
- E. **SECURITY OF CITATIONS:** Officers will be responsible for security of citations until they are turned in to the Municipal Court. Once citations are turned in, the court will be responsible for the security and storage of all citations in accordance with state laws governing public and court records from that time forward. The Huntsville Police Department or its members no longer have any control or responsibility over the citation forms once they have been presented to the court.
- F. **ACCOUNTABILITY FOR CITATIONS:** To ensure accountability for citations the Deputy Chief of Operations or designee will ensure checks are made of a random selection of issued citations at least quarterly. This check will search for citation numbers missing from the database. Once a citation has been determined to be missing, the Deputy Chief of Operations or designee will determine if that citation was turned in to the Court or if it may have been lost or otherwise disposed of in an unauthorized manner. If it appears the citation was disposed of improperly, the matter will then be referred to the appropriate supervisor for investigation and recommendation. No member of the Huntsville Police Department will participate in the improper disposal of any traffic citation.

G. ARRAIGNMENT DATE ASSIGNMENT

1. CITATIONS NOT RESULTING IN A CUSTODIAL ARREST: When the violator is permitted to sign his/her own bond, the arraignment date for the Uniform Traffic Citation (or citations) must be set within 14 days after the date of issuance of the citation. The arraignment date on all non-custodial arrests will be set according to the current schedule set by the Municipal Court.
2. EXCEPTIONS: No court date will be set on a Legal or City Holiday.
3. CITATIONS RESULTING IN A CUSTODIAL ARREST: When the violator is taken into custody to post bond, the arraignment date for the Uniform Traffic Citation (or citations) must be left blank. The arraignment date will be established by Municipal Court personnel.
4. COURT SCHEDULES: Precinct and Division Commanders or designees will post updated Municipal Court trial schedules in each Precinct or Division Squad Room. Officers are responsible for keeping up with their own schedules.

6. ECITE PROCEDURES

- A. Scan the defendant's driver's license using the license scanner or use the Quick License blank in MOVE to search LETS-GO for any individual with an Alabama Driver's License or Alabama ID Card. Officers without the functionality of an air card will not have the capability to access LETS-GO unless they are connected to a wireless hot spot provided by the Huntsville Police Department.
- B. Use LETS-GO to search for information on individuals with an Alabama Drivers License. Officers without the functionality of an air card will not have the capability to use LETS-GO unless they are connected to a wireless hot spot provided by the Huntsville Police Department
- C. Write the citation using the eCite program. There are six tabs in the citation to be filled out before the citation is complete. This includes information on the Officer & Notes, Defendant, Vehicle, Location/Time, Offense, and Court/Bond.
- D. When you complete the citation, review the document information at the top of the citation to be sure everything is correct. It is the responsibility of the issuing officer to be sure all information regarding the citation is correct before you move on to printing the citation.
- E. Print the citation and give the citation to the defendant. Once you have completed the citation, print the appropriate copies and issue the defendant their copy. Due

to current legislation, a signature is no longer required on citations issued with eCite.

- F. Transfer the citations to the courts. The transfer of the citations will occur electronically within forty-eight hours. Officers without the functionality of an air card will have to transfer all citations to the courts using a hot spot location provided by the Huntsville Police Department.
- G. The officer will present a copy of the eCite ticket to a Municipal Court magistrate within forty-eight hours of the issuance of the citation, at which time he or she will swear to or affirm the validity of the citation before the magistrate. The copy must be turned in to the magistrate and must be stamped "original" prior to turning it in to the court.
- H. In the event it becomes necessary to void an eCite ticket, the officer will clearly mark all copies "void." The officer will then attach all copies of the voided citation to a memorandum directed to the Officer's Precinct or Division Commander. This report will include the reason for voiding the citation and the number of the citation issued in its place. If another citation is not issued in place of the voided one, the memorandum must contain detailed information as to what circumstances necessitated the voiding without issuance of another citation. Once approved, the Precinct or Division Commander will forward the approved memorandum (with all copies attached) to the Court Liaison Officer. The Court Liaison Officer will ensure the citation is properly voided by Municipal Court. Officers will follow the eCite User Manual Guidelines when voiding citations prior to transfer and voiding citations after transfer. Whenever a citation is voided for any reason a memorandum directed to the Precinct or Division Commander will be submitted.

7. ENFORCEMENT PROCEDURES

- A. **TRAFFIC ARREST WITH SIGNATURE BOND:** Current Alabama law requires almost all persons arrested for traffic violations be released on their signature bond. Few cases exist where this is not true. Officers must be familiar with and abide by this rule. Officers may find in some cases it is not reasonable to affect the arrest of an offender at the time of the violation. Officers may want to obtain a warrant and arrest the violator at a more advantageous time. In these cases, the officer must have the correct identification and vehicle information needed for a citation. The officer will then complete a citation and deliver it to the Warrant Magistrate to obtain an arrest warrant for the offender. If a warrant is issued, the Magistrate will attach the defendant's copy to it and stamp or mark the warrant in such a way that will be obvious upon the execution of this warrant the defendant must be delivered to the Magistrate before any further action is taken. This is the only exception to the booking requirements established in procedures governing arrest warrants.

- B. **PHYSICAL ARREST:** Officers will arrest any person in violation of those traffic laws pertaining to driving under the influence of intoxicants. Officers will also arrest any person in violation of traffic offenses committed during the commission of certain crimes, as required by law. Also, some arrests do not allow for the signature bond of the traffic violator. These arrestees will be required to have a bond posted with Municipal Court. Physical arrest may also occur when the violator refuses to sign the Uniform Traffic Citation or post his or her driver's license in lieu of any other security as a promise to appear in court. The officer **MUST** first allow the violator the opportunity to:
 - 1. Sign the Uniform Traffic Citation, or
 - 2. Post his or her drivers' license as bond. This option is entirely the violator's decision and is not mandatory. According to 32-1-5, the violator "shall have the option of depositing his chauffeur's or driver's license so issued to him with arresting officer or the court, in lieu of any other security which may be required for his appearance in any court in this state in answer to such charge lodged in such court."
 - 3. If the violator both refuses to sign the citation and declines the option to post his or her drivers' license as bond (or does not have a license to post as bond), the officer shall take the violator into custody and bring him or her immediately before the City Magistrate.
 - C. **ARREST REPORTS:** Upon the arrest of a traffic violator, a Uniform Traffic Citation will be completed for each traffic offense, along with the Alabama Uniform Arrest Report. The violator will be given his/her copy of the traffic citation(s). The original arrest report will be given to the jail personnel after completing the booking procedure. A copy of the arrest report will be delivered to the Municipal Court Magistrate along with the original Uniform Traffic Citation(s), to be attested to.
8. **VEHICLE SECURITY UPON TRAFFIC ARREST:** In the event a traffic violator is placed under physical arrest, the officer will determine if the violator's vehicle poses an immediate traffic hazard.
- A. If the vehicle poses an immediate traffic hazard and cannot be removed from the roadway the vehicle will be impounded.
 - B. All impoundments will be made in accordance with the Huntsville Police Department written directive concerning vehicle impoundment procedures (606.4).
9. **ENFORCEMENT GUIDELINES:** The enforcement policies of the Huntsville Police Department cannot and should not interfere with an individual officer's discretion in the

issuance of a Uniform Traffic Citation. The officer's discretion should be based on training and professional judgement. Following are general enforcement policies that should guide officers in taking enforcement action against traffic violators.

- A. **UNIFORM TRAFFIC CITATIONS:** A Uniform Traffic Citation should be issued to violators who jeopardize the safety and welfare of vehicular and pedestrian traffic, citing the specific law or municipal ordinance violated. This includes hazardous and non-hazardous violations, operating unsafe or improperly equipped vehicles and license violations.
 - 1. In reference to the enforcement of Alabama Title 32 (Rules of the Road) Section 32-6-65 (b)(2) "Expired Tag" Failure to renew the registration in the designated renewal month. Officers shall not issue a Uniform Traffic Citation for a vehicle having an "Expired Tag" during the renewal month. At the officer's discretion a Uniform Traffic Citation may be issued on or after the first day of the following month (example- tag expires in the renewal of month of May/Uniform Citation can be issued on June 1 and the days following). This applies even if the tag is shown to be expired in LETS during the renewal month.
- B. **PARKING CITATIONS:** A Parking Summons and Complaint will be used to cite violations of illegal, improper or hazardous parking, citing the municipal ordinance being violated. A Uniform Traffic Citation will not be used to enforce a parking violation.
 - 1. Parking Summons and Complaints issued for parking violations occurring on private property will be in accordance with the Huntsville Police Department written directive concerning the enforcement of Ordinance # 25-222.
 - 2. Handicap parking enforcement will be in accordance with City of Huntsville Ordinance #25-220.
- C. **WRITTEN WARNING:** A written warning for a traffic violation may be issued by an officer at his or her discretion, if the officer determines the violation is minor in nature and the warning will likely result in future compliance with the law. All warning citations will be issued in accordance with the Huntsville Police Department procedures governing warning citations.
- D. **VERBAL WARNING:** A verbal warning may be appropriate when the violator commits an act due to ignorance of a law or ordinance, or when an equipment failure has occurred and the driver is unaware of the failure.

- D. **DRIVING UNDER THE INFLUENCE:** The policy of the Huntsville Police Department is to arrest any person found to be driving under the influence of any substance which impairs their ability to safely operate a motor vehicle upon public or private property. Procedures for DUI arrest are established in other written directives.
- E. **HAZARDOUS VIOLATIONS:** In most cases violators may be issued a citation only when the violation is observed by the officer. Officers should concentrate their enforcement efforts in areas with a previous history of high crash occurrence. Hazardous violations consist of any violation of a law or ordinance that presents an immediate danger to vehicular or pedestrian traffic. This includes unsafe behavior or an unsafe condition relating to the driver or vehicle. Hazardous violations include but are not limited to DUI, speeding, running stop sign or signal, failure to yield the right of way, reckless driving and following too closely. Officers should consider hazardous violations an important part of their enforcement effort.
- F. **NON-HAZARDOUS VIOLATIONS:** Violators may be issued a citation only when an officer observes the violation. Non-hazardous violations consist of any violation of an enacted law or ordinance that is not a hazardous violation as defined above. These include but are not limited to revenue, licensing and equipment violations not creating an unreasonable risk to the public.
- G. **MULTIPLE VIOLATIONS:** A Uniform Traffic Citation may be issued for each violation that is not a lesser-included offense of the more serious violation. For example, instead of issuing several citations for multiple moving violations, officers may issue a citation for reckless driving when warranted.
- H. **PUBLIC CARRIER AND COMMERCIAL VEHICLE VIOLATIONS:** Only officers who have been trained, and then certified by the Chief of Police as Motor Carrier Safety Officers will stop and inspect commercial vehicles to check for violations of the Federal Motor Carrier Safety Regulations. Stops by non-Motor Carrier officers based on probable cause that a violation has occurred are always permitted and encouraged. Operators of commercial motor vehicles can be issued a Uniform Traffic Citation or warning as prescribed in this directive by any sworn officer.
- I. **NEWLY ADOPTED LAWS AND ORDINANCES:** It is the policy of the Huntsville Police Department to issue warning citations for violations of a newly adopted law or municipal ordinance. Uniform Traffic Citations will only be issued after an adjustment period established by law or determined by the Chief of Police, or designee. If no adjustment period is specified, citations may be issued immediately on the effective date.
- J. **POST CRASH ENFORCEMENT:** While current Alabama law allows for few unwitnessed traffic arrests by officers, enforcement of traffic laws may still be

accomplished by officers explaining to crash victims the provisions for obtaining an arrest warrant for a traffic offender. This practice may be desirable when officers find operators of vehicles have suspended or revoked driver's licenses or have committed an unlawful act that caused the crash. In this case the officers should complete an incident report and advise the victim to contact the Municipal Court for an appointment to obtain a warrant for the arrest of the offender.

- K. **REVOKED, SUSPENDED OR CANCELLED DRIVING PRIVILEGE:** Motorists operating a motor vehicle after their driving privilege has been revoked, suspended or cancelled will be issued a Uniform Traffic Citation. The issuing officer will attempt to arrange alternate transportation for the violator. The officer will not give the violator permission or allow him or her to operate a motor vehicle.
- L. **OFF-ROAD RECREATIONAL VEHICLES AND BICYCLE ENFORCEMENT:** Off-road recreational vehicles and bicycles will be expected to obey all laws and ordinances of the State of Alabama and the City of Huntsville. Enforcement of these violations will be in accordance with procedures set forth in this written directive. The age of the offender may influence the degree of enforcement action taken. A citation cannot be issued to a juvenile offender under the age of sixteen (16) years. Notifying the parents or legal guardian of a juvenile violator should be considered as an alternative to issuing a Uniform Traffic Citation.
- M. **PEDESTRIAN ENFORCEMENT:** In areas where pedestrian crashes frequently occur, officers should concentrate their efforts to enforce pedestrian traffic laws. Enforcement will consist of all measures outlined in this directive for vehicular violators and as allowed by law for application to pedestrian violators.

10. SPECIAL CONSIDERATION

- A. **NONRESIDENTS OR MILITARY PERSONNEL:** Traffic violations committed by nonresidents of the City of Huntsville or military personnel will be enforced in accordance with the guidelines set forth in this directive.
- B. **JUVENILES:** Juvenile traffic violators will be processed in accordance with the Huntsville Police Department written directive concerning juvenile arrest procedures.
- C. **LEGISLATORS:** The Huntsville Police Department will adhere to the State of Alabama guidelines regarding a violation by a State Representative or Legislator. These guidelines are available at Municipal Court. Reference statute law Title 29-1-7 and the State of Alabama Constitution of 1901, Article 4, Section 56.
- D. **FOREIGN DIPLOMATS AND CONSULAR OFFICIALS:** The Huntsville Police Department will adhere to the United States Department of State guidelines regarding the arrest or detention of a Foreign Diplomat or Consular Official.

These guidelines are outlined in the written directive on arrest and detention of foreign nationals.

11. DRIVER REEXAMINATION: Officers may request drivers be re-examined for a driver's license by the Alabama Department of Public Safety.

- A. A Department of Public Safety Cite Form may be obtained at the Alabama State Trooper Post or at the local Alabama State Trooper Driver's License Division Office. This Cite Form will be completed with specific details supporting the re-examination request.
- B. Copies of all related reports will be submitted with the re-examination form to the Deputy Chief of Police, via Chain of Command, for approval prior to being forwarded to the Alabama Department of Public Safety.
- C. There is no statutory authority to take the person's license. Completing the form and forwarding it to Montgomery is all that can be done at that time, other than ensuring the driver does not further endanger the public by driving away from the scene. The license must be given back to the person whose driving abilities are in question until DPS acts on the Cite Form request.
- D. Persons with the following conditions may be recommended for re-examination if the condition prevents them from exercising reasonable and ordinary operation of a motor vehicle:
 - 1. Incompetence;
 - 2. Mental Disability;
 - 3. Physical Disability;
 - 4. Disease; and
 - 5. Any other condition impairing safe driving ability.