

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. **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 hotspot provided by the Huntsville Police Department.
 - B. 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.
 - C. When completing the citation, review the document information at the top for accuracy. It is the responsibility of the issuing officer to verify that the citation information is correct before printing the citation. 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 traffic citations issued with eCite.
 - D. The transfer and submission of the citations to the courts will occur electronically within forty-eight hours of issuance. Officers without the functionality of an air card will need to transfer all citations to the courts using a hotspot location provided by the Huntsville Police Department.
 - E. The officer will present a copy of the eCite ticket to a Municipal Court magistrate within the same forty-eight hours of the issuance and transfer of the citation and swear to or affirm the validity of the citation. The copy must be given to the magistrate and stamped "original" before submitting to the court.
 - F. 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 Blue Team directed to the Officer's Precinct or Division Commander. The Blue Team will include the citation number, the reason for voiding the citation, and the citation number issued in its

place. If another citation is not issued in place of the voided citation, the Blue Team must include detailed information on the circumstances that necessitated the voiding without issuing another citation. Once approved, the Precinct or Division Commander will forward the approved Blue Team (with all copies attached) to the Court Liaison Officer. The Court Liaison Officer will ensure the citation is properly voided by the Municipal Court. Officers will follow the eCite User Manual Guidelines when voiding citations before and after transfer.

6. UNIFORM TRAFFIC TICKET CITATIONS PROCEDURES (when eCite is down):

- 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 sign and list their employee number to indicate receipt of the book.
- 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 Blue Team to the Officer's Precinct or Division Commander, who will forward the approved Blue Team through the Chain of Command. This Blue Team will include all missing citation numbers and explain the circumstances surrounding the loss.
- C. **VOIDING CITATIONS:** If a Uniform Traffic Citation needs voiding, the officer will mark all copies "void" and attach them to a Blue Team directed to the Officer's Precinct or Division Commander, including the reason and citation number. If no replacement citation is issued, the Blue Team must explain why. After approval, the Precinct or Division Commander sends the Blue Team with all citation copies attached to the Court Liaison Officer. The Court Liaison Officer will ensure the citation is properly voided by the 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 the Municipal Court. They encompass statute laws from 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's 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 the Municipal Court to either pay the fine,

inquire about defensive driving school, or schedule a trial date. The officer will also give the violator a “Notice to Defendant in Traffic Case” sheet, which will provide the current fines/costs and most payable offenses. 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 costs. Instead, the officer will instruct the violator to follow the instructions on the Notice to Defendant in Traffic Case sheet and contact the 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 are responsible for the security of citations until they are submitted to the Municipal Court. Once citations are submitted, the court is 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 citation accountability, the Deputy Chief or designee will randomly check issued citations for missing numbers in the database. If a citation is missing, they will determine whether it was submitted to the Court or lost or disposed of improperly. If disposed of improperly, the case will be referred to a supervisor for investigation. No HPD member will participate in improper disposal of citations.

G. **CITATION ACCOUNTABILITY FOR MUNICIPAL COURT-** To ensure accountability for citations, all tickets must be accompanied by a transmittal. Each transmittal must match the tickets/citations that are being submitted to the city magistrate. Once citations have been submitted to the magistrate and sworn to, they become a court record and must follow court procedures. If an issue or concern arises, please see a magistrate.

1. **UTTC Transmittal (Traffic Citations):** Used for submitting traffic citations to Huntsville Municipal Court.
2. **Arrest/Multipurpose Transmittal (Non-Traffic Citations):** Used to submit non-traffic citations to Huntsville Municipal Court.
3. **Outside Transmittal:** Used for accountability, notating that a traffic ticket will be transferred to another jurisdiction.

H. **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 City Holiday, or on days deemed as “Blackout Days as determined by the Municipal Court Blackout Calendar.
 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 filled in. The arraignment date will be established by Municipal Court personnel.
 4. **COURT SCHEDULES:** Precinct and Division Commanders or designees will post the updated Municipal Court trial schedules in each Precinct or Division Squad Room. Officers are responsible for keeping up with their own schedules.
7. **ENFORCEMENT PROCEDURES:**
- A. **TRAFFIC ARREST WITH SIGNATURE BOND:** Traffic arrests in Alabama generally require a signature bond, with few exceptions. Officers must follow this rule and may find it unnecessary to make an arrest on the scene. Instead, they can obtain a warrant later by completing a citation and incident report and providing ID and vehicle information to the Warrant Magistrate. If a warrant is issued, it will include the defendant’s copy marked for delivery to the Magistrate before any further action. This is the only exception to the booking procedures established in the 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. Additionally, some arrests do not allow the signature bond of traffic violator. These arrestees must have a bond posted with the 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 as security instead of other security as a promise to appear in court. The officer **MUST** first give the violator the opportunity to:
 1. Sign the Uniform Traffic Citation, or
 2. Post his or her driver’s 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 the 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 driver’s 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 prior to generating an arrest report.

- 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's 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. The 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 (for example, if the tag expires in the renewal 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 violated.

1. Parking Summons and Complaints issued for parking violations occurring on private property will be in accordance with the Huntsville Police Department's written directive concerning the enforcement of all applicable Municipal Parking Ordinances.
 2. Handicap parking enforcement will be in accordance with Code of Alabama, Title 32, Chapter 6, Article 2, Division 10, Section 32-6-233.1 for the issuance of Uniform Traffic Citations, as well as the City of Huntsville Ordinance #25-221, if the officer elects to write a parking citation over a UTC.
- C. **WRITTEN WARNING:** A written warning for a traffic violation may be issued at an officer's discretion if they determine 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.
- E. **DRIVING UNDER THE INFLUENCE:** The Huntsville Police Department's policy 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 D.U.I. arrest are established in other written directives.
- F. **HAZARDOUS VIOLATIONS:** In most cases, violators may be issued a citation when the violation is observed by the officer. Officers should concentrate their enforcement efforts in areas with a 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 D.U.I., speeding, running a 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.
- G. **NON-HAZARDOUS VIOLATIONS:** Violators may be issued a citation only when an officer observes the violation. Non-hazardous violations include 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 that do not create an unreasonable risk to the public.
- H. **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.

- I. **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 conducted 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.
- J. **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.
- K. **POST CRASH ENFORCEMENT:** While current Alabama law allows for a few unwitnessed traffic arrests by officers, enforcement of traffic laws may still be accomplished by officers informing crash victims about the provisions for obtaining an arrest warrant for a traffic offender. This practice may be desirable when officers discover that vehicle operators 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 to schedule an appointment for obtaining a warrant for the offender's arrest.
- L. **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 grant the violator permission or allow him or her to operate a motor vehicle.
- M. **OFF-ROAD RECREATIONAL VEHICLES AND BICYCLE ENFORCEMENT:** Off-road recreational vehicles and bicycles must comply with 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 offender's age 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.
- N. **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's 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 the 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 that drivers be re-examined for a driver's license by the Alabama Department of Public Safety.
- 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 leaving the scene. The license must be given back to the person whose driving abilities are in question until DPS processes 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.