
 <input checked="" type="checkbox"/> Division Order <input type="checkbox"/> Bureau Order <input type="checkbox"/> Special Order Order No.: ISP 25-028 ----- <input checked="" type="checkbox"/> Procedure <input type="checkbox"/> Plan <input type="checkbox"/> Rule	Iowa Department of Public Safety Iowa State Patrol	
	TITLE/SUBJECT: Traffic Enforcement	IDENTIFIER: 45-03.05
	TO: All ISP Sworn Personnel, Communications Personnel	CC:
	RELATED DIRECTIVES/FORMS: Iowa Code 321 ; 45-03.01 ; 45-03.07 ; 45-03.10 ; DOM 01-01.04	
	APPLICABLE CALEA STANDARD(S): LE 61.1.2, 61.1.5, 61.1.7, 61.1.10	
	EFFECTIVE DATE: 4/14/2025	REVISION #: 11
INSTRUCTIONS: Changes made in Section VII. C.		
APPROVED BY:  Colonel Nathan Fulk, Chief Iowa State Patrol		DATE: 04/14/2025

I. Purpose

The purpose of this policy is to establish guidelines for uniform enforcement policies for traffic law violations. Nothing in this policy should be construed to limit officer discretion as it pertains to decisions to charge someone in any given situation.

II. Policy

It is the policy of the Iowa State Patrol to provide enforcement of traffic laws throughout the state without prejudice to any person. Officers maintain great latitude in their discretion as to whether to charge someone with an offense. The following guidelines should assist the officers of this organization conducting their enforcement duties. These are general guidelines. Local jurisdictional practices and procedures may vary.

III. Definitions

- A. *Physical Arrest* – As it relates to this policy, physical arrest shall include enforcement actions in which the defendant is detained and removed from the location of a traffic stop and processed and/or booked at a separate location.
- B. *Citation* – A written notice to appear in the court of jurisdiction with regard to a traffic violation. This may be in the form of Electronic Citation (ECCO), Complaint and Affidavit (Complaint), DPS Parking Citation, or juvenile complaint form.
- C. *Warning* – The calling of attention to an observed violation without either a physical arrest or citation filed with the court. A warning may be either written (EWC), or verbal.

IV. Traffic Enforcement Practices

- A. The Iowa State Patrol requires its officers to possess an intimate knowledge of the

geographical area to which they are assigned, and possess an understanding of the needs of their respective communities and areas. The Iowa State Patrol will provide service throughout the state in order to supply a visible law enforcement presence on our highways. The State Patrol recognizes the need and value of visible patrol as well as the necessity for unmarked patrol. Due to the value of both of these tactics, the Patrol may utilize a combination, marked and unmarked enforcement vehicles.

- B. Officers of the Iowa State Patrol assigned to patrol duties will be assigned to a district field office with the exception of officers assigned to District 15 (TI/Recon./ Vehicle Theft). Officers assigned to patrol duties will provide coverage in the counties within their assigned district.

Officers shall be available to respond to calls for service within their district. Operational needs may dictate that officers are directed to patrol certain areas both within their districts, or any other district, as directed by supervision.
- C. Officers are encouraged to utilize stationary patrol tactics. This may be done to facilitate a need for high visibility or it may be done in a covert manner to facilitate the necessity for addressing certain violations. Unless specifically directed by supervision, this stationary patrol will be at the discretion of the individual officer.
- D. The State Patrol will make use of unmarked patrol vehicles for use in routine enforcement duties. These unmarked patrol vehicles will be assigned to officers wishing to utilize the covert nature of this tool and will be done so with the recommendation and approval of district supervision and the Area Commander. There will be a limited number of unmarked vehicles assigned to each district.
- E. The State Patrol also operates aircraft for use in traffic enforcement. State Patrol aircraft and Trooper Pilots are dispersed throughout the state and are available not only for traffic enforcement, but for search and rescue assignments as well.
- F. The State Patrol may choose to use other non-conventional vehicles to accomplish their mission on an as needed basis; however the use of other non-conventional vehicles will be done only with supervisory approval.
- G. The Iowa State Patrol will occasionally use road side safety checks or Systematic Vehicular Checkpoints. These checks will be done in accordance with the provisions of the [321K](#) section of the Code of Iowa, and Iowa State Patrol policy [45-03.07](#).
- H. Risks associated with traffic enforcement:

Every traffic enforcement encounter represents an unknown risk to the officers, violators, occupants, other motorists, as well as pedestrians in the vicinity. These risks include the geographic location, volume of traffic, unknown violator circumstances, flow of traffic, communication specialist work load at the time, and presence of pedestrians. Pursuant to these risks, officers shall remain vigilant during the encounter, as the circumstances may change at any time. Officer safety and situational awareness is the utmost priority of traffic enforcement. Traffic Stops should be conducted as indicated:

1. After developing probable cause or determining that an investigative stop is warranted, the officer should prepare to stop the vehicle in an area that gives the officer the best possible tactical advantage. The in-car mobile camera shall be activated as soon as practical to capture as much documentation as possible.
2. Prior to initiating a radio transmission, monitor the airways to be sure there is no ongoing traffic.

3. Prior to or upon activation of emergency lights, notify the DPS Communications Specialist of the traffic stop. If the specialist does not respond continue with the traffic stop, but adhere to the MACH procedures, [DPS 81-02.01](#), by striking the F-2 key, which pinpoints your location and opens a new Call For Service (CFS) thru MACH. If the Communication Specialist does respond, proceed with providing information indicated below in section 4. Plain language should be used when possible as found in policy [38-02.12 Use of the Iowa Department of Public Safety Radio Communications System](#)
 4. Notify the DPS Communication Specialist at a minimum, the license plate of the vehicle being stopped and the vehicle description (make and color). This does not limit the officer from including other additional information, for example, the number of occupants, your location, furtive movements.
 5. Use emergency lights, spot lights, and/or siren to signal the vehicle to yield.
 6. If radio traffic, other ongoing situations, or a rapidly developing situation necessitates effecting a traffic stop without the ability to notify the DPS Communication Specialist, the officer shall as soon as practical, notify the DPS Communication Specialist of the stop or encounter. At no time should an officer put themselves into a situation where the focused attention is on the radio communication and not on the tactical awareness of the traffic stop.
 7. DPS Communication Specialist should be aware of the time spent on the traffic stop, and conduct a status check of the officer when appropriate. Officers should maintain situational awareness of other officers and their activities that occur in the immediate area. Officers should also be prepared to respond or assist at the traffic stop should an emergency transmission be received, or the officer on the stop fails to respond to a status check.
 8. Upon completion of the traffic stop, the officer shall strike the F8 key, enter the disposition in the CFS and notify the Communication Specialist they are back in service.
- I. When MACH is inaccessible, officers shall provide their location through the Department of Public Safety Communications Specialist ([DOM 38-02.12](#)). Officers may request assistance with any traffic enforcement encounter they believe is a potential risk to their safety or the safety of other motorists, pedestrians or structures in the area.
1. Traffic enforcement encounters may begin or evolve into a high risk encounter due to intoxicated drivers, erratic drivers, wanted suspects, BOLOs, pursuits, or other criminal behavior. When encountering a high risk traffic encounter, officers must notify the DPS Communication Specialist ([DOM 38-02.12](#)) when able, seek additional assistance as necessary and proceed in taking the necessary action. When possible, the officer initiating a high risk traffic encounter should wait for additional officers prior to proceeding with the encounter. However, the officer may take immediate action when necessary to protect their life or the lives of others.

2. High risk traffic encounters should occur in the safest possible location as determined by the officer. During a high-risk traffic stop, officers should not approach the vehicle and may use loud verbal commands or the PA system in their patrol vehicle.
3. When sufficient assistance arrives to safely conduct a high-risk traffic stop one officer should provide commands to the driver and any occupants of the vehicle, supporting officers should prepare to apprehend violators and provide scene safety and security.
4. Each occupant of the vehicle should be ordered to exit the vehicle, one at a time, facing away from officers, hands raised or interlaced behind their head and upon command walk backwards toward officers. When in a location safe for officer contact, the suspect shall be ordered to the ground, face down, arms out, palms up, legs spread.
5. Officers at the scene should use patrol vehicles or other objects to provide cover and concealment for officer safety. Suspects shall be immediately secured with handcuffs and searched for weapons. Officers shall interview the suspects, seeking the number of occupants of the vehicle and presence of weapons, including type and description.
6. Once all visible occupants are removed from the vehicle, officers shall prepare a tactical approach plan to ensure the vehicle is safely cleared. Only when the suspect vehicle is thoroughly cleared shall the vehicle be deemed no longer a threat.

V. Traffic Enforcement Actions

Sworn officers of the Iowa State Patrol are charged with the enforcement of traffic laws within the State of Iowa, and have statewide jurisdiction. Officers are afforded great latitude regarding discretion concerning enforcement action taken on any observed offense. This discretion begins with the decision to address a violation. If the decision to address the violation is made, it shall be done in one of the three following ways:

A. Officers may issue a warning.

1. A warning shall be in written form and issued via the Electronic Warning Citation (EWC) in TraCS.
2. Any verbal warning that is given is not documented and should be used in limited situations.
3. Some violations, especially newly enacted legislation, may require a warning before formal charges may be filed.
4. Equipment violations addressed on an EWC are considered a warning.

B. Officers may issue a written citation in lieu of a physical arrest.

1. Written citations should be the primary course of action regarding simple offenses when an officer has made the determination to file charges.
2. A citation for a simple traffic offense will be placed on a uniform traffic citation (ECCO) and entered into the TraCS database.
3. Some violations will require charges to be filed on juvenile complaints.
4. Some jurisdictions may require certain charges on Complaint and Affidavits.
5. Officers should become familiar with jurisdictional practices within their routine patrol areas.

- C. Officers may make a physical arrest for any observed violation in which formal charges may be filed.
 - 1. If a defendant is detained and removed from the site of the initial stop, this shall be considered a physical arrest.
 - 2. Any violation that may have formal charges filed may result in the physical arrest of the defendant.
 - 3. Officers should be able to articulate the reason for a physical arrest which would normally be dealt with by the issuance of a citation.
 - 4. Any physical arrest may necessitate the need for a Complaint/Incident Report Form (CIRF) to be filed.
 - 5. It shall not be considered to be a physical arrest in the event the detention and moving of the defendant is voluntary and incidental to investigatory purposes, rather than the formal filing of charges.

VI. Traffic Law Violations

- A. Operation of a vehicle by a driver under the influence of alcohol or drugs or a combination of alcohol and drugs.
 - 1. Officers will be trained to recognize and identify individuals that are impaired by alcohol or other substances. If such an individual is encountered during a traffic stop or investigation and that person is the operator of a motor vehicle, officers will conduct a field investigation to determine the necessity of further chemical testing and the need for arrest.
 - 2. Additional direction pertaining to this section may be found in Iowa State Patrol directive [45-03.10](#).
- B. Operation of a vehicle after driving privileges have been suspended or revoked.
 - 1. Officers shall routinely check the status of driver's licenses when conducting traffic stops. This will generally be done through the DPS Communication Specialist or MACH.
 - 2. Once a driver has been identified as being suspended or revoked, the officer shall identify the appropriate punitive section of the code that pertains to the reason for the suspension or revocation and determine the appropriate enforcement action to take.
 - 3. Under no circumstances should an officer allow a suspended or revoked driver to drive away from the location of the stop. The officer should consider towing the vehicle or making other arrangements for the safe and lawful removal of the vehicle from the location of the stop
- C. Speed Violations.
 - 1. Speeding violations are routinely addressed by one or more of the methods outlined in [45-03.01](#), Speed Detection Devices.
 - 2. Time and distance calculations made by trained technical accident investigators may also be used to determine speed.
- D. Hazardous Violations.
 - 1. Hazardous violations may include offenses such as reckless driving, speeding at very high rates of speed with respect to the location of the offense, following too closely, stop sign or stop light violations, prohibited passing or any other offense that was committed in a

manner which makes it likely to result in an accident.

2. Hazardous violations should be given priority attention when observed by an officer, and consideration should be given to whether the violation rises to the level of severity that may require a physical arrest rather than the issuance of a citation.
3. Warnings for such violation should occur on extremely rare instances, and officers should be able to articulate the reason that a warning was issued rather than the appropriate charge being filed.

E. Off Road Vehicle Violations.

1. Vehicles such as ATVs, snowmobiles, golf carts, and motorcycles are often encountered by officers while on patrol and may or may not be legal to operate within a right of way.
2. Officers encountering such vehicles must keep abreast of current laws regulating these vehicles and their operation within the right of way.
3. Vehicles such as these are subject to the rules of the road whether or not legal operation within the right of way is allowed.
4. Officers encountering such vehicles and while in the process of stopping such vehicles shall keep in mind that they perform and operate differently than normal patrol vehicles. They may accelerate and stop much quicker than the standard patrol vehicle. Officers shall exercise great caution when stopping such vehicles.
5. Officers must realize that these vehicles that do become involved in pursuit situations often leave the right of way and enter terrain that they are better suited for compared to the standard patrol vehicle. Officers shall weigh the severity of the situation before attempting to pursue off of the roadway.

F. Equipment Violations.

1. Motor vehicles being operated on the road are required to have certain lighting and safety equipment. Quite frequently a vehicle will develop an equipment malfunction (i.e. headlight, tail light, horn, windshield wipers, exhaust systems, etc.). These situations if not addressed may progress to a point at which time the vehicle is no longer safe to operate on the roadway.
2. Officers should call attention to such violations by utilizing an Electronic Warning Citation (EWC).
3. Officers are encouraged to check further once the stop is made to see if there are additional pieces of equipment that are malfunctioning. Should officers encounter a vehicle with numerous equipment violations, the officer must make a determination as to whether or not the vehicle may be operated safely on the roadway.
4. If the vehicle cannot be operated safely due to the defective equipment, the officer may consider filing a charge of *Movement of unsafe or improperly equipped vehicle* (Iowa Code [321.381](#)). If the officer determines this is the case, the officer must make arrangements for the safe removal of such vehicle from the road.

G. Public Carrier / Commercial vehicle violations.

1. Certain vehicles are covered not only by Iowa statute, but by the Federal Motor Carrier Regulations. Officers with The Iowa State Patrol Commercial Motor Vehicle Unit have received additional training with regard to these statutes and regulations. These regulations and statutes should be considered and used as resources for dealing with violations committed by the drivers of public carriers and commercial motor vehicles.

2. These vehicles are highly regulated and special attention should be given to them when they are involved in collisions involving serious injury or death.

H. Multiple Violations.

1. Officers are trained to look beyond the initial probable cause for a traffic stop. Often times this will result in numerous traffic violations being identified as well as potential criminal code violations.
2. Officers should exercise discretion in determining what charges to file as it may or may not be appropriate to file multiple charges during any stop.
3. If warnings are given in lieu of citations, officers must consider filing the charges against the more serious of the violations.
4. Officers should be consistent and fair in their discretionary decisions in dealing with subjects who have committed multiple violations.

I. Newly Enacted Laws and Regulations.

1. In general, newly enacted legislation that will affect the normal motoring public are well publicized and may include specific dates which dictate the type of enforcement actions that may be taken.
2. Officers should exercise discretion, keeping in mind the probability of a violator knowing about a newly enacted law, and whether or not a citation or warning is warranted.
3. Ignorance of a particular law is not a legal justification for the commission of such an offense.
4. Officers may be directed by State Patrol policy as to particular enforcement activities regarding specific laws, and dates and times that particular enforcement actions may take place.

J. Violations Resulting in Traffic Collisions.

1. Enforcement of traffic laws is instrumental to the safe operation of motor vehicles.
2. Officers issue citations and file charges with the prevention of collisions being the purpose of the enforcement action taken.
3. In the event a collision does occur, officers should file appropriate charges as to the causation of the collision, as a majority of collisions are caused by driver error.
4. If charges are not filed in these situations, officers should be able to articulate the reason for those charges not being filed.

K. Pedestrian and Bicycle Violations.

1. Officers may encounter most of these violations within the city limits of towns and cities.
2. Specific statutes regarding pedestrians may be found in the code of Iowa ([321.325 through 321.334](#)).
3. Specific requirements regarding bicycles may be found in the Iowa code sections [321.234 and 321.397](#).
4. Should officers encounter violations of this nature, they should consider local jurisdictional protocol with regard to their discretionary decisions regarding the filing of the appropriate charge, or the issuance of a warning.

VII. Statutory Exemptions for Traffic Law Violations

The following groups of individuals are specifically provided for either by statutory provision or regulation:

A. Non-Residents

1. This group entails individuals that are not residents of, or licensed by the State of Iowa.
2. Per Iowa Code ([321.513](#)) the Director of the Department of Transportation may enter into nonresident violator compacts with other jurisdictions.
3. This code section directs a peace officer to issue a citation for a traffic violation unless prohibited by law, and personal recognizance is acceptable.
4. If mandatory appearance is required by law, it must take place immediately following issuance of the citation.
5. A list of the Nonresident Traffic Violator Compact States can be found in the State of Iowa Compendium of Scheduled Violations and Scheduled Fines.

B. Juveniles

1. Members of this group involve any individual under the age of majority (18).
2. A juvenile may be issued a traffic citation to appear before a magistrate court for any simple misdemeanor violation of the 321 section of the Iowa Code.
3. If the offense is a serious misdemeanor or greater, the juvenile court retains jurisdiction until such time as it may approve the juvenile to be charged and tried as an adult.
4. In the case involving a serious misdemeanor or greater violation, the juvenile referral shall be used in lieu of a traffic citation or complaint and affidavit.

C. Legislators

1. This group includes only members of the United States House of Representatives and Senate, as well as certain congressional staff. It does not include members of the Iowa Legislature.
2. Per the Constitution of the United States Article I, section 6, clause 1, the members and their aides are privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same. This privilege does not provide immunity for traffic citations or activity outside the legislative sphere.
3. Per the Constitution (III sec II 2.18(1)) of the State of Iowa, Senators and Representatives, in all cases, except for 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. However, the Iowa Attorney General's Office has determined the phrase "breach of the peace" includes all crimes, even misdemeanors. Thus, no legislator is privileged from arrest under Article III section 11, even during the session of the General Assembly, for any criminal offense committed in Iowa, whether it be a felony or a mere misdemeanor such as speeding.
4. DPS Operating Manual [01-01.04](#) also addresses the issue of legislators stopped for violations. This order extends the same privileges to the members of the United States Congress.

D. Foreign Diplomats / Consular Officials

1. The principle of diplomatic immunity is a matter of international law to which the United

States is firmly committed. Diplomatic and consular officers should be afforded their respective privileges, rights and immunities as directed by International Law and Federal Statutes.

2. DPS Operating Manual [01-01.04](#) outlines departmental policy in regards to foreign diplomats and consular notification.

E. Military Personnel

1. Military personnel are exempt from licensing requirements while operating a military motor vehicle in the service of the armed forces of the United States.
2. Sections [321.176](#) and [321.176A](#) of the Code of Iowa provides statutory clarification of licensing requirements for military personnel.
3. The expiration date of a valid driver's license issued under the laws of this state, held by any person at the time of entering the military service of the United States or State of Iowa is extended without fee until six months following the initial separation from active duty of the person from military service (Iowa Code [321.198](#)).