


Memphis Police Department Policy Manual			
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1. PURPOSE

This directive outlines the Memphis Police Department's policy and procedure regarding traffic enforcement activities, and to establish guidelines and procedures for the enforcement of traffic laws to ensure the safety and security of all road users within our jurisdiction. This policy aims to promote voluntary compliance with traffic regulations, reduce traffic-related incidents, and enhance public trust and confidence in our traffic enforcement efforts.

2. POLICY

The Memphis Police Department (MPD) is committed to maintaining safe and orderly roadways through fair, consistent, and effective traffic law enforcement. Our traffic enforcement policy is grounded in the principles of public safety, community engagement, and respect for the rights of all individuals. Officers of the Memphis Police Department will conduct traffic enforcement activities in accordance with this directive.

3. RESPONSIBILITIES

- 3.1 Commissioned personnel are responsible for knowing and adhering to the requirements of this directive and for conducting themselves in a professional and ethical manner during traffic enforcement activities.



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- 3.2 MPD officers have a responsibility to investigate motor vehicle crashes. This investigation normally occurs when the officer is called to the scene after the crash and has not witnessed a violation.

4. ACTION

4.1 Motor Vehicle Crashes

4.1.1 Traffic Tickets

Officers may issue traffic tickets at the crash scene based upon personal investigation without regard to personal injury or property damage. Common examples of vehicle crash cause factors that can be deduced from physical evidence at a scene include:

1. Following Too Close;
2. Failure to Yield Pulling from Stop Sign;
3. Turning from Wrong Lane, and
4. Failure to Yield, Pulling from a Private Drive.

NOTE: The charge of disregarding a red light should be substantiated by disinterested witnesses on the scene.

- 4.1.2 When an officer investigating a vehicle crash cannot establish reasonable and probable grounds to substantiate a charge, only a report will be made.

4.1.3 Financial Responsibility

Officers must ensure that all motor vehicle operators are in compliance with the financial responsibility law when investigating crashes. When any driver is charged with a moving violation or involved in a vehicle crash, officers will request evidence of financial responsibility regardless of apparent or actual fault (see subsection 4.12.8).

4.2 Stopping the Traffic Violator for Issuance of Ticket

- 4.2.1 Officers may only use a marked law enforcement vehicle as defined in 5.5 to conduct traffic stops. Officers operating unmarked cars who need to make a traffic stop will summon a marked unit to conduct the stop absent exigent circumstances as defined in 5.4.

4.2.2 Compliance with the City of Memphis Vehicles and Traffic Code

So long as such conduct is prohibited by the City of Memphis Vehicles and Traffic Code, motorists who own or operate vehicles within the city limits shall operate, maintain, title, register, and license vehicles in accordance with the provisions of the Vehicles and Traffic Code.

4.2.3 Enforcement of Primary Violations

A police officer or law enforcement officer may initiate a motor vehicle stop and, at their discretion, cite a driver for a violation observed within the City of Memphis without observing any other City of Memphis Vehicles and Traffic Code violation (see definition 5.8).



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4.2.4 Enforcement of Secondary Violations

To the extent that it does not conflict with state law, a police officer or other law enforcement officer may initiate a motor vehicle stop for a secondary violation (see definition 5.10) observed within the City of Memphis only where there is a simultaneously observed primary violation for which an officer, at their discretion, could issue a citation.

4.2.5 Procedures

The following steps must be followed when stopping and approaching traffic violators and are intended to provide maximum safety for the officer, the violator, and others. Varying conditions regarding the engineering of the particular traffic artery, the urgency to stop the violator (drinking driver/ known or suspected felon), and the existing volume of traffic may require adjusting or altering the recommended procedure.

These procedures are to be followed when possible, and are presented from the perspective that ideal conditions exist:

1. Once the determination has been made to stop the violator the officer must notify the dispatcher of the intended location of the traffic stop, license number, make of vehicle, model of vehicle, color of vehicle, and number of occupants;
2. The officer will note the license number of the vehicle on a note pad, to be left inside the patrol vehicle if the dispatcher cannot be notified;
3. The officer will be thoroughly familiar with the area and anticipate the appropriate location with ample space, appropriate lighting, and should avoid stops on hills, curves, intersections, private drives, and business locations which have limited parking spaces;
4. The officer will signal the violator to stop. This task should be accomplished by activating the blue light emergency system, hand signals, and sounding the siren and/or horn. These signals also alert other drivers of the intent of an officer and will usually facilitate securing the right of way for the stopping maneuver;
5. The violator will be signaled and directed to the right side of the roadway close to the curb or onto the shoulder when feasible;
6. On multi-lane roadways, the officer will ensure the safety of the violator during changes by gradually changing from lane to lane with violator until the right side of the roadway is reached;
7. Should the violator stop abruptly in the wrong lane or in another undesirable location, they will be promptly directed to move to a safer location. Officers will use the public address system to instruct violators to move to a safer location. If the officer's verbal directions and gestures are insufficient to bring understanding, the officer will exit from the patrol vehicle and give verbal instructions to the violator;
8. If the operator is suspected of drinking to the extent their driving abilities are impaired, the violator will not be permitted to move their vehicle once it has stopped;
9. Once the violator has stopped in an appropriate location, the officer will position the patrol unit approximately 12 feet behind the violator's vehicle. The patrol unit will be positioned so that it will offer the officer some protection from oncoming traffic as well as cover from the violator. This



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- position should be 2 feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer, and all other traffic. The patrol car will not be left blocking the lane of traffic once the violator has pulled from the roadway at the completion of the stop;
10. The officer will exit from the patrol vehicle and be continuously alert for any suspicious movement or actions on part of the violator or other occupants in the violator's vehicle;
 11. The officer will approach from the rear of the violator's car, looking into the rear seat area, and stop at a point to the rear of the trailing edge of the driver's side door. This position will be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping them in a slightly awkward position, and at the same time keep all occupants of the vehicle in view;
 12. In those cases where the violator's vehicle has occupants in both the front and rear seats, the officer will approach to a point near the trailing edge of the rear driver's side door. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position, and at the same time keeping all occupants of the vehicle in view; and
 13. In those traffic stops made by two or three more officers, one officer will be responsible for all radio communications. During the traffic stop, all officers will dismount from the vehicle. At no time will the two officers approach the violator's vehicle side-by-side.

NOTE: At night, the procedure is basically the same with the additional necessity of exercising caution in selecting an appropriate place for the traffic stop, signaling the violator, and positioning the police vehicle. After the stop, the headlights should be on low beam for the safety of oncoming traffic, and emergency bar lights in use on patrol vehicle. Officers will utilize the spotlight in the rearview mirror of the vehicle being stopped. This technique will make visibility in stopped vehicle clearer and offer better concealment for the officers.

4.3 Approaching the Traffic Violator/Officer Violator Encounter

4.3.1 Officer-Violator Interactions

Once the officer has stopped the violator and approaches to a point where communications can begin, the following guidelines should be followed in terms of officer-violator encounters:

1. Be alert at all times for unexpected actions by the driver or passengers, but do not be obviously apprehensive;
2. Present a professional image in dress, grooming, language, bearing, and emotional stability;
3. Be prepared for the citizen contact by having necessary equipment and forms required to successfully complete the job task;
4. Decide on the appropriate enforcement action based upon the observed violation. Officers may utilize discretion not to issue a traffic citation when the stop is made that only involves a minor violation;
5. Greet the violator with an appropriate title and in a courteous manner;
6. Inform the violator of the traffic law that they violated;



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7. Ask for the violator's operator's license, vehicle registration, and insurance verification;
8. If the operator does not have a driver's license, obtain other information to identify the driver or a passenger;
9. Explain to the violator exactly what they are supposed to do in response to the action taken. Upon issuance, officers will advise the motorists of the following:
 - a. Date of court appearance,
 - b. Optional or mandatory nature of court appearance,
 - c. If allowed to enter a plea and/or pay a fine by mail or at a traffic violations location, and
 - d. Any other relevant information that may be of importance to the motorist;
10. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court;
11. Be alert to any emotional stress exhibited by the operator. If stress is present, the instructions may have to be repeated or the violator may need to calm down before driving away;
12. Return the violator's operator's license, registration, and any other documents along with a copy of the citation;
13. Assist the violator in safely re-entering the traffic flow; and
14. Do not follow the violator; all contact with violator ceases unless another infraction occurs.

NOTE: Other circumstances may arise where contact with motorists may occur with no citation issued. In these situations, motorists are in need of assistance. Officers will provide assistance to motorists under the existing situation. This may include requesting dispatcher to call wreckers, providing directions, or obtaining other services as needed. Time and duty permitting, officers may assist stranded and disabled motorists to obtain fuel and repairs. If officers must leave the scene prior to arrival of requested assistance, he/she should request another unit take the call or check by the area and provide assistance and/or protection.

4.4 Issuance of Traffic Tickets

4.4.1 Officers may issue traffic citations to motorists who violate state and local traffic laws or ordinances. If multiple infractions occur, check appropriate boxes or write in box provided on citation.

4.4.2 Warnings

Warnings may be issued under following circumstances:

1. When the act may be due to ignorance of local ordinances, which may be a unique violation or a newly enacted law and/or regulation. A 30-day grace period will be established during which time only warnings are issued, unless a specific period is defined by statute;
2. Non-hazardous violations; or



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3. Or a violation of which the driver may not be aware.

4.4.3 Private Property Citations

Traffic citations and traffic summons are to be issued only on public streets and roadways. Citations and summons will not be issued on private property or upon public property, which is not a public street or roadway, except in the following circumstances:

1. When the area in question has been designated as a restricted or prohibited parking zone. (Ex: Fire Lanes) In such cases, only a traffic citation covering the specific parking violation should be issued.
2. If an officer has observed a motorist operating a vehicle on a public street or roadway and then drive onto private property or onto public property which is not a street or roadway, the officer may follow that person onto said property and issue a traffic citation.
3. Leaving the scene of a private property vehicle crash witnessed by the officer.

4.5 Handling Special Circumstances and/or Categories of Violators

4.5.1 Juveniles

Officers will issue a special juvenile traffic summons for juvenile violators only from the book distributed through the City Court Clerk's Office. A warning, if given, may include notification of legal guardian.

4.5.2 Non-residents

Citations shall be issued to non-resident violators in the same manner as residents of the City of Memphis. Non-residents who cannot appear on the required court date shall be directed to contact the City Court Clerk.

4.5.3 Members of Legislature

During the session of the General Assembly, members of legislature shall be privileged from being taken into custody except for treason, a felony, or a breach of the peace. The issuance of a traffic citation for a moving traffic violation offense is allowed, as is an arrest in case of an offense involving DUI.

4.5.4 Foreign/Diplomats/Families/Servants

(And other consular officials): While they may be granted diplomatic immunity, a report will be taken in traffic offenses resulting in injury, death, etc.

4.5.5 Military Personnel

Shall not be afforded special consideration.

4.5.6 Public Carrier/Commercial Vehicle Drivers

Treated as residents of the City of Memphis.



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4.5.7 Bicycle/Pedestrians Violations

Consider warning unless the individual creates unsafe driving conditions or intentionally causes a vehicle crash or a safety hazard.

4.5.8 Violation Resulting in Traffic Crashes

Based on an officer's investigation, a citation may be issued. If necessary, the officer will confer with the city prosecutor regarding subpoenaing witnesses or other parties involved.

4.5.9 Off-Road Vehicles

(Including dirt bikes and mopeds): Any officer observing an unlicensed off-road vehicle that cannot be legally operated on a public highway or violating traffic laws shall order the vehicle to be removed from the roadway and take appropriate enforcement action.

4.5.10 New Laws/Regulations or Traffic Control Devices

Unless a specific period is defined by statute, a 30-day grace period will be established when new laws/regulations are enacted, or new traffic control devices are erected. During this time only warnings will be given.

4.5.11 Suspected Incompetent, Physically or Mentally Disabled Drivers

If a driver is suspected of being incapable of exercising reasonable and ordinary care of a motorized vehicle, the officer may submit a Request for Special Examination (SF-0365) to the Department of Safety for re-examination.

4.6 State Charges on Traffic Tickets

4.6.1 Long form traffic tickets (see definition 5.3) issued by members of this department should include only City traffic charges. State charges cannot be placed on a traffic ticket. Any person charged with a state offense is entitled under the Tennessee Rules of Criminal Procedure to receive a formal affidavit of complaint and is entitled to a preliminary hearing. A traffic ticket does not provide the necessary requirements; therefore, no state charges can be placed on a long traffic ticket.

4.6.2 Any time an officer is going to place state traffic charges (i.e., Reckless Driving or Leaving the Scene); the officer must arrest and transport or issue a misdemeanor citation in lieu of transport.

4.6.3 Reckless Driving (Private Property)

1. The Reckless Driving statute (TCA 55-10-205) applies to private property as well as public roadways.
2. Officers may charge a defendant with Reckless Driving occurring on private property if the officer observes the person drive a vehicle in willful or wanton disregard for the safety of persons or property. Whenever such conduct is witnessed by an officer, he/she should make an arrest for the charge of Reckless Driving.

4.6.4 TCA 55-10-202, Offenses by Persons Owning or Controlling Vehicles, allows for charging not only the driver but also those who participate in drag racing which includes passengers and others assisting or promoting the drag race (see definition 5.2).



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4.6.5 Leaving the Scene of an Accident

1. An officer is not justified in making an arrest for leaving the scene where the officer does not see the offense. Under TCA 40-7-103, for the charge of Leaving the Scene of an Accident, an arrest may be executed only after an arrest warrant has been secured. A misdemeanor citation for this offense is NOT to be used.
2. TCA 55-10-102 requires that a motorist stop and remain at the scene of any accident involving death, personal injury, or property damage.

4.7 Traffic Ticket Accountability Procedure

4.7.1 Accountability

1. Officers will sign for their own ticket books with the Court Clerk assigned to issue said books in order to keep an accurate record of tickets. Officers will issue tickets from their own book only.
2. Officers will use all of the tickets in one book before starting another book, and each book issued will be signed out by number.
3. Each officer will be held accountable for those ticket numbers for which he/she has signed, regardless of whether any other officer's name appears on the ticket (e.g., partner).
4. When a traffic ticket is written, the officer will retain the blue copy as he/she uses the ticket book; then when the officer has finished with his ticket book, he/she will staple all twenty-five (25) blue copies together and turn them in to the shift supervisor with their daily paperwork. The shift supervisor will then return the blue copies to the Colonel who will assure they are secure in a permanent file.
5. The Traffic Violations Bureau (TVB) will make periodic audits of all tickets written; and any missing tickets will have to be accounted for. Discrepancies in traffic tickets will be checked by examining the officer's blue copies.
6. Each time a ticket is written, the officer will write the ticket number on his daily log sheet.
7. In the event that a traffic ticket book or a ticket is lost, stolen, or destroyed, the officer will submit a letter to his precinct/bureau commander outlining the circumstances surrounding the loss and the ticket numbers involved. A copy of the letter will be forwarded to the TVB and the Legal Advisor's office with a copy remaining in the precinct/bureau.
8. When an officer issues a ticket that the driver refuses to sign, resulting in an arrest, the officer will forward all copies of the ticket, except the blue copy, to the Legal Advisor's Office with a memo. These tickets will be maintained in the Legal Advisor's Office and will be available if the officer needs the ticket as evidence of the defendant's refusal to sign. The blue copy will stay at the precinct/bureau. At the time an individual refuses to sign a ticket, a supervisor will be requested to make the scene. City Ordinance violations will be changed to State Charges.

4.7.2 Dismissal of City Ordinance Charges

1. Legally, once a citation/summons has been issued, officers cannot make changes to the copy that they turn in. The original citation/summons and any copies must "mirror" each other. If there is a need to make changes to a citation/summons, an officer must reissue the citation/summons



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- or appear in court and request the judge to allow them to amend a citation/summons in open court. The citizen must have actual notice of any changes made after the citation/summons has been issued.
2. If a citation/summons is written in error, an officer will submit a dismissal request. Some common reasons for dismissal requests for citations/summons include:
 - a. Written for a violation occurring outside of the city limits;
 - b. Issued on private property;
 - c. Individual arrested;
 - d. Individual issued a misdemeanor citation;
 - e. Wrong violation marked; or
 - f. Issued to a juvenile.
 3. For citation/summons dismissal requests:
 - a. The officer must write a detailed memo explaining the reason for the request for dismissal (e.g., traffic sign down, radar gun malfunction, written in the County, failed contact attempts, etc.) and have it approved and signed by their supervisor. This detailed information must be included in all memos requesting the dismissal of citations/summons. Supervisors should investigate that the reason for the citation/summons dismissal is valid before signing and approving the memo.
 - b. No request should be submitted without the full agreement of the officer, his supervisor, and the workstation commander.
 - c. The officer must come to the City Court Clerk's Office during their regular work hours or on their next court date, bringing both memos and the original citation/summons to be placed on the docket for the next available court date.

NOTE: Citations/summons sent through inter-departmental mail for dismissal or submitted without the proper documentation will not be accepted.

 - d. The officer must appear before the judge and/or prosecutor of the division of court that they are assigned to and fully explain the basis for the dismissal request.
 - e. If the citation/summons is disposed, all memos and other documents are to remain attached to the citation/summons as a permanent record.
 4. This process will be completed prior to the end of the officer's tour of duty (Signal "C") or on the officer's next court date. For traffic tickets and ordinance summons, a copy of the ticket or summons and copies of the memos will be maintained in the officer's personnel file. For short tickets, a copy of the memo only will be maintained in the officer's file. Do not use "white out" (correction fluid) on either type of ticket.

4.8 Juvenile Traffic Summons



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- 4.8.1 Officers will issue a special traffic summons for juvenile violators only from the book distributed through Juvenile Court.
- 4.8.2 The juvenile traffic tickets are printed in blue ink rather than black. Each copy is color coded, and the distribution is as follows:
1. White copy Juvenile Court copy
 2. Yellow copy Juvenile Court copy
 3. Green copy Officer's copy
 4. Dark manila copy Juvenile Offender's copy
- 4.8.3 The officer will not be required to appear at Juvenile Court unless he or she receives a summons from Juvenile Court. There will be no assignment of court dates on these juvenile traffic tickets by the officer; however, in the event an officer is summoned to appear at Juvenile Court, the date and time will be the officer's designated summons day at 10:30 a.m.
- 4.8.4 Officers should note that the charge boxes on the juvenile traffic ticket are not in the same sequence as the standard traffic ticket. Therefore, these boxes should be read carefully to avoid the incorrect charge box being checked.
- 4.8.5 For purposes of issuing a juvenile traffic ticket, a "juvenile" is defined as anyone under the age of eighteen (18).
- 4.8.6 In the event an officer issues a juvenile traffic summons in error, the officer will forward the ticket to the Legal Advisor's Office, along with a memo approved by his supervisor explaining why the ticket was written in error. Moreover, the memo will indicate the officer's/investigator's request to either modify or dismiss the citation.
- 4.9 Speed Enforcement**
- 4.9.1 Excessive speed is the second greatest cause of death and injuries on American highways. Uniform methods of enforcement of speed laws within the City of Memphis should be applied by all officers. Procedures for enforcement of laws applying to speed will vary in accordance with the type of equipment utilized.
- 4.9.2 Pacing
- The officer should follow the vehicle being paced at a constant interval for a distance adequate, normally two or more city blocks, to obtain a reading on speedometer indicating a speed exceeding that posted.
- 4.9.3 Radar or Laser Operation
- Radar/laser enforcement should be utilized where vehicle speed is excessive or a hazard to other motorists or pedestrians. The following guidelines are established for use of the radar and laser, which will always be operated in compliance with manufacturer's instructions:
1. The radar or laser must be properly installed in the vehicle and connected to appropriate power supply.



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2. The effective range of a particular radar or laser unit must be thoroughly understood by operator, so speed meter readings can support visual observations.
3. The operator must choose an appropriate location in accordance with directions of his/her supervisor relative to traffic accident experience in which speed has been identified as a factor. The location must also be conducive to the effective and safe operation of radar or laser.
4. The radar or laser gun will be properly tested for calibration to ensure accuracy in checking speed. The operator must follow manufacturer's recommended specific method of checking calibration without exception. Any problems with operation of radar or laser gun or apparent malfunction should be promptly reported to the shift supervisor and equipment officer.
5. The following elements must be established in court by the officer, when radar speed violation charges are placed:
 - a. The time, place, and location of the vehicle stopped, identity of operator, speed of vehicle, and visual with radar or laser speed check;
 - b. Officer qualifications and training in use of radar or laser;
 - c. Radar or laser gun was properly operated;
 - d. Radar or laser used was properly tested for accuracy at the beginning of the officer's shift prior to use and at the end of the officer's shift by approved method;
 - e. Identify target vehicle and should have made a visual observation of its apparent speed; and
 - f. Speed limit in zone where violation occurred and be familiar with where posted speed limit signs are located.
6. Radar and laser training is given to all recruits (officers) during academy training. Officers will receive up-to-date training in the operation and maintenance of speed detection equipment as needed.

4.9.4 Radar/Laser Tickets

All traffic citations that are issued as a result of the use of a radar or laser gun shall be identified in the following manner:

1. The word "Radar" or "Laser" will be printed in block letters shall be placed on the ticket in the violation code area.
2. The equipment operator shall be clearly identified by inscribing a circle around his or her name and by placing the words "gun operator" immediately to the left of his/her name. This officer is the one who must appear in court. The court date issued should be the gun operator's court date.

4.9.5 Equipment Maintenance

Speed Measurement Devices: radar (Genesis models) and laser (Prolaser III) - Equipment specifications are located in the workstation equipment room.



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1. Officers must inspect and fully test/calibrate the device at the beginning and end of each shift.
2. When an officer notes a malfunction of the device, the device will not be used.
3. The officer must notify the equipment clerk who will send the device to Radio Maintenance for repair.

NOTE: The equipment officer is responsible for ensuring that radar/laser guns receive proper care and upkeep, that all required programmed maintenance and calibration of units is performed in accordance with the manufacturer's standards. Records should be kept on all radar guns at the stations, and appropriate certificates are on file with the Radio Shop. All laser gun certificates and maintenance records will be maintained at the Traffic Division office by the equipment officer.

4.10 Driver's License

4.10.1 Learner's Driving Permit

1. TCA 55-50-311 provides for the issuance of learner's driving permits. This law allows a minor at least fifteen (15) years of age to obtain a permit to drive an automobile when accompanied by a licensed parent, guardian, or certified driving instructor. The minor must have the learner's permit in his or her possession to drive under this section. The accompanying party must be at least twenty-one (21) years of age. If the individual with the learner's permit is less than 18, they cannot drive between 2200 and 0600 hours.
2. The following persons are exempt from license hereunder:

A student who is pursuing an approved driver training course in a public school or a private secondary school approved by the state commissioner of education or by a recognized regional or national accrediting agency, or in a duly licensed commercial driver training school. This exemption applies only to the operation of a motor vehicle bearing school driver training identification and only while an instructor, certified and registered by the Department of Education, accompanies the student.

3. If a juvenile driving on a learner's permit is arrested for DUI, he or she is to be taken to Juvenile Court.
4. If the juvenile is driving without a learner's permit and has previously obtained one, he or she should be charged with driving without a learner's permit (TCA 55-50-311) in addition to any other laws violated. If the minor has never received a learner's permit, but is driving the car, he or she is to be charged with a violation of TCA 55-50-301, Driving Without an Operator's License.

4.10.2 Temporary Driver's License

A temporary driver's license is only valid for 90 days from date of issue; the status of the permit should be verified on the PDA or Station 'B'.

4.10.3 Tickets Issued for No Driver's License

When issuing tickets for no driver's license, the officer will attempt to verify the party's true identity, either through a driver's license check, social security card, or other means of identification. If the



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driver is not the person he or she claims to be, he or she can be arrested. The officer must identify a motorist to issue a traffic citation.

4.10.4 Driver's License Check on Juveniles

1. The Tennessee Department of Safety has advised that two new driving history codes for juveniles are now available for officers making a driver's license check on juvenile drivers.
2. If a juvenile is stopped and the driver's license check indicates Code 457 on the juveniles driving history record, then the juvenile should be charged with driving on a suspended license and transported to Juvenile Court.
3. If the check reveals Code 458 on the juvenile's record, this indicates that Juvenile Court has issued a restricted license to the juvenile pursuant to Code 458, the juvenile driver should have an order from Juvenile Court for restricted driving privileges. If the driver is within these restrictions, then no charge should be placed. However, if the driver is violating the restrictions set out in the order, then the juvenile should be charged with "Violation Driving With Restricted License" and transported to Juvenile Court.
4. To determine whether a juvenile driver has a Code 457 or Code 458 on his driving record, officers should request a "driving history" check through Communications (Station B).

4.10.5 Temporary Driving Permit

(TCA 55-50-311) When a Tennessee Highway Patrolman (THP) or any other agency issues a temporary driving permit to a motorist pursuant to the issuance of a traffic citation, the temporary driving permit will indicate how long it is valid.

4.10.6 Taxi Drivers

Pursuant to City Code 6-80-34, a taxi driver permit shall expire on the driver's birthday each year. Taxi drivers should be spot-checked to ensure their compliance with this ordinance. All drivers not possessing a permit with a valid expiration date are in violation and should be issued an Ordinance Summons.

4.10.7 Violation of Restricted License

When a motorist is stopped who possesses a restricted license and he or she is violating the restriction, the officer will charge the individual for driving under a revoked or suspended license in violation of TCA 55-50-504.

4.10.8 Locomotive Engineer's Operators Permit

There have been local instances of railroad locomotive engineers being arrested for operation of locomotives where the engineer did not produce a Tennessee vehicle chauffeur or operator's license. TCA 55-10-116 provides that whenever an engineer of a railroad locomotive is required to show proof of his identity in connection with the operation of a locomotive, "such engineer shall not be required to display his operator's or chauffeur's license but shall display his engineer's operator permit instead". A vehicle crash involving a train, the vehicle crash report should list the engineer's operator permit number, not driver's license number. Any engineer failing to produce his engineer's operator permit when properly requested to do so is subject to arrest for violation of TCA 65-12-115.



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4.10.9 Wrecker Operator's Licensing Requirements

The following procedure should be followed in charging a person with operating a wrecker without a chauffeur's license. The policy of this department with respect to the aforementioned charge is as follows:

1. Any person, employed by a wrecker service, whose principal duty is to operate the wrecker for the purpose of towing vehicles, is required to obtain a chauffeur's license. Any person employed by a wrecker service whose duties might include operating a wrecker, but also include other responsibilities, is not required to obtain a chauffeur's license.
2. This is consistent with TCA and THP policy, and the City's wrecker services have been so informed.
3. The officer will only issue a citation if he or she is reasonably certain that a wrecker operator's principal duty is driving the wrecker.
4. If an officer is aware of facts that would lead him or her to believe that certain wrecker operators were in violation of state law and departmental policy, this information should be turned over to the department's Wrecker Coordinator for investigation. If, after investigation, the Wrecker Coordinator concurs in the opinion that violations have occurred, then appropriate charges may be placed at that time.

4.11 Registration Requirements

4.11.1 State law authorizes the issuance of only one registration plate per vehicle, which is to be attached to the rear of the vehicle. The State currently utilizes yearly stickers to show the month and year that the state registration expires.

4.11.2 Lost or Stolen Plates

1. Stolen Registration License Plate/Tags: If a citizen reports their license plate stolen, the responding officer will complete a Theft of Motor Vehicle Parts/Accessories offense report.
2. Found Registration License Plates/Tags: Found license plates/tags reported to an officer are to be turned in to the precinct equipment person who will take the plates/tags to the Shelby County Court Clerk's Office.
3. Lost Registration License Plates/Tags: Any citizen who has lost their license plates/tags will report the lost plates/tags directly to the Shelby County Court Clerk's Office where the proper information will be obtained, and a replacement license plate/tag will be issued.
4. Partial Tag or Decal: If only the decal has been removed or part of the metal tag holding the decal has been torn/clipped off, the citizen should take the remaining partial tag to the County Court Clerk's Office.

4.11.3 Arrest/Tickets Based on Information that License Plates are Stolen

1. Several states reissue the same numbers as the numbers reported on a stolen license plate, with a different expiration date on the tag. The State of Tennessee reissues PG and NG plates with the same numbers but with a different expiration date.



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2. MPD officers who stop a vehicle and, after querying the vehicle (QV), determine that the license plate is stolen, should remove the license plate, submit a memo to the appropriate General Investigation Bureau (GIB), and tag it in the property room. The person driving the vehicle should be issued a ticket for Violation of State Registration if the vehicle is not stolen.
3. Arrests should only be made in those situations where the license plate, which is reported stolen, is on a vehicle which is also reported stolen. The officer will verify the status of the license plate and vehicle by contacting Station "B".
4. If an officer locates a lost, stolen, or raised auto license plate, he or she will complete a memo.

4.11.4 Dealer/Special License Plates

1. TCA 55-4-221(a) states: "A manufacturer or dealer owning any vehicle...may, either in person or through his duly authorized agent or employee, operate...such vehicle, upon condition that any such vehicle display thereon...a special plate (dealer plates)."
2. The dealer may also authorize the operation of a vehicle bearing dealer plates by a customer for temporary purposes not exceeding twenty-four (24) hours.
3. Therefore, the following people may operate vehicles bearing dealer plates: dealers, their families, their employees, and customers. Customers are limited to twenty-four (24) hours use while the others may operate on dealer plates as long as the dealer plates are current.
4. Do not cite the driver with Improper Registration if he or she is permitted to drive a car with a dealer plate unless it has expired.
5. Dealer plates are not to be confused with drive out tags (temporary paper tags) which are valid only for the time stated thereon: all Tennessee special license plates (Emergency, Judiciary, Dealer, Sheriff, Rescue Squad, National Guard, etc.) are stamped with the year of issue and expire March 31 of the following year.

4.11.5 Identification/License of Commercial Trucking Vehicles

1. City Ordinance 21-347 required that all local commercial trucking vehicles shall have identification by displaying on two parallel horizontal lines, on the right and left front doors of the truck, at least three (3) inches high: the name of the owner, firm, or lessee on the first line and the street address immediately below on the second line. Elsewhere on the doors must be an individual vehicle identification number no less than six (6) inches in height, displayed conspicuously.
2. Any local commercial truck not in compliance with this ordinance shall be cited for violation of City Code Section 21-347, Ownership Identification, and should be handled in a manner consistent with the handling of any other nonmoving traffic violation.
3. All Tennessee commercial license plates (i.e., P00 0000, Apportioned) are stamped with the year of issue and expire February 28, with a grace period ending April 15, of the following year. These plates are black lettered on straw colored background.

4.11.6 Government Vehicles



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Federal Government vehicles are exempt under existing law from having to have Tennessee license plates. Furthermore, governmental vehicles are exempt under City law from having to comply with the inspection ordinance and the city sticker ordinance. Therefore, an officer shall not issue a citation for violation of registration and/or inspection to any vehicle where it appears the vehicle belongs to a governmental agency and, specifically, an agency of the federal government.

4.11.7 Electric Turn Signal Lights – Exceptions

Every passenger vehicle and truck shall be equipped with electric turn signal lights. The exception is a passenger car or truck less than eighty (80) inches in width, manufactured or assembled prior to 1955, and motorcycles and motor-driven cycles, need not be equipped with electric turn signal lights. The lights showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber. The light showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lights on vehicles eighty (80) inches wide shall be visible at a distance of not less than three hundred (300) feet in normal sunlight. Turn signal lights may, but not need be, incorporated in other lights on the vehicle.

4.11.8 The following courses of action are to be taken if an officer finds a superimposed month/year tag on a state registration:

1. Vehicle is on street:

- a. Driver is owner: Arrest and issue misdemeanor citation for TCA 55-4-129 “Unlawful removal of registration decal or plate”. Tag the license plate as evidence in the Property Room. Direct the driver to remove the vehicle from city streets within a reasonable amount of time. Advise the owner/driver to properly register the vehicle (TCA 55-4-101 “Violation of vehicle registration law”).
- b. Driver is not owner: Issue traffic citation for Violation of Registration, Sec. 11-60-5. Tag the license plate as evidence in the Property Room. Direct the driver to remove the vehicle from city streets within a reasonable amount of time.

NOTE: A notation should be made in the margin of the traffic citation indicating the sticker was confirmed stolen.

- c. Unoccupied: If vehicle is parked, unoccupied, on a city street, the officer should remove the license and tag same as evidence in the Property Room. Place a seizure notice on the vehicle advising the owners of the disposition of the tag. (Notice obtained in Central Supply.)

2. Vehicle is at Vehicle Storage

Initially, the plate should be tagged as evidence at vehicle storage. Issue a traffic citation for Violation of Registration, Sec. 11-60-5 to the owner when the owner arrives to pick up the vehicle. Upon the issuance of said traffic citation, the plate should be tagged at the MPD Property Room, within that tour of duty, for evidentiary purposes.

NOTE: A notation should be made in the margin of the traffic citation indicating the sticker was confirmed stolen.



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3. If any person is caught in the commission of stealing the month/year tag on a state license plate, then the responsible person would be charged with Theft of Property valued under \$500.00.
4. Whenever a license plate with a stolen sticker affixed is tagged at the Property Room, it is imperative that the officer provide the Property Room personnel with the exact location of the vehicle at the time the plate was seized (i.e., on the street at a certain address).

4.11.9 Falsified Drive-Out Tags

1. TCA 55-5-116, "Altering, Falsifying, or Forging Evidences of Title, Assignments, or Plates," requires fraudulent intent for a person to be criminally liable. A person holding or using forged documents must have knowledge that the document is altered, forged, or falsified. TCA 55-5-116, "Altering, Falsifying, or Forging Evidences of Title, Assignments, or Plates," is a Class E felony. This requires some scene investigation by the officer:
 - a. After the officer discovers the suspect drive out tag, the person should be advised of his or her Miranda rights;
 - b. A Rights Waiver form and the drive out tag should be tagged as evidence in the Property Room; and
 - c. If a defendant is charged with TCA 55-5-116, a Counterfeiting/Forgery report must be taken.

NOTE: Please refer to the most recent copy of the TIBRS/CompStat Reporting Manual for instructions on completing the appropriate report classification.

2. When officers encounter a person in possession of an altered, falsified, or forged drive out tag and a felony arrest is appropriate, the arresting officer will straight charge the defendant. If multiple drive-out tags are recovered, the Economic Crimes or Felony Response Bureau will be contacted for follow-up investigation.
3. The information below is needed for prosecution and should be in the arrest ticket:
 - a. The probable cause for making the stop or checking the tag;
 - b. The reason for believing the tag to be counterfeit or falsified;
 - c. Vehicle make, model, and vehicle identification number (VIN);
 - d. Reference to any statements the defendant voluntarily makes, or any statements made after being Mirandized that show knowledge of the alteration;
 - e. Information printed or written on the drive out tag regarding the dealer who issued it, the type of vehicle it was issued to, who it was issued to, and date of expiration; and
 - f. Disposition of the evidence (i.e., both the drive out tag and the Rights Waiver Form should be tagged in the property room).

4.12 Miscellaneous Traffic Laws

4.12.1 Fire Lanes



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To be in violation of City Code Section 9-44-1 Obstructing Fire Access Areas and Fire Hydrants, the area marked as a fire lane must be a public street or alley or an off-street driveway or alleyway officially designated as a fire lane and adjacent to either:

1. A public or private hospital;
2. Any public building; or
3. A private building whose owner has consented to the designation of fire access areas.

NOTE: Any person violating Section 9-44-1 may have their car impounded by the Fire Marshal (see section 4.7 of MPD.P&P.04-014). Section 9-44-1 should only be enforced (citations written and/or cars towed) for private property violations at any of the locations on the list, which are marked with official signs. Enforcement of Section 9-44-1 on any public property marked as a fire lane is not affected.

4.12.2 Motorized Bicycle (Moped) Law

1. The operator of a motorized bicycle (see definition 5.7) must be in possession of a valid operator's or chauffeur's license and shall be subject to all applicable and practical rules of the road.
2. A motorized bicycle may not be operated on:
 - a. The interstate;
 - b. Any similar limited-access, multi-lane, divided highway; or
 - c. Upon sidewalks.
3. Crash bars are not required; however, helmets are required for both the operator and passengers as with motorcycles.
4. The motorized bicycle (moped) is not required to be registered or to display a license tag.
5. The titling and registering of motorized bicycles (mopeds) are permitted at the option of the owner. Therefore, license tags are not required on these vehicles and no citations should be issued. Any person desiring to title and register a motorized bicycle (moped) may do so by following the normal procedures that apply to any other motor vehicle.

4.12.3 Motorcycles

Section 12-84-13 of the City Code prohibits the operation of vehicles in City parks except on the designated roadways. The only exception to this is the operation of a golf cart or other vehicle authorized by the Park Commission on the park property. Officers observing the illegal operation of a motorcycle or any other vehicle in the park area shall cite the operator of the vehicle for a violation of Section 12-84-13 of the Memphis City Code.

4.12.4 Red Traffic Signals and Right Turns on Red:

TCA 55-8-110 (3)(A) permits right turns on red after stopping and yielding the right of way. This law authorizes local governments to erect signs prohibiting right turns on red where appropriate. The City



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Ordinances have been amended to conform to the state law and city charges may be placed when violations occur.

1. Section 11-12-6 (A)(3) regulates the actions of drivers and pedestrians facing a red alone (steady circular red) signal as follows:
 - a. 11-12-6 (A)(3)(a) Vehicular traffic shall stop at a clearly marked stop line, but if none, then before entering the crosswalk on the near side of the intersection.
 - b. 11-12-6 (A)(3)(a) Vehicular traffic, after stopping, may make a right turn, but shall yield the right of way to pedestrians and other traffic proceedings as directed by the signal at the intersection. Vehicular traffic shall not make a right turn where a sign is erected prohibiting such turns.
 - c. 11-12-6 (A)(3)(b) Unless otherwise directed by a pedestrian control signal (Walk/Don't Walk), pedestrians facing the red alone (steady circular red) signal shall not enter the roadway.
2. The City charge of "Disregarded Red Light" should be placed against drivers who:
 - a. Run a red light;
 - b. Turn right without first stopping; or
 - c. Turn right at a red light where it is prohibited by an official sign.
3. Drivers who make an otherwise legal right turn on red but fail to yield the right of way should be charged with "Failed to Yield Right of Way", Section 11-12-6 (A)(3)(a).
4. Pedestrians who illegally enter the roadway against a red signal should be charged with "Disregarded Red Light", Section 11-12-6 (A)(3)(b).

4.12.5 Passing School Bus

1. Under TCA 55-10-308, enforcement for Section 55-8-151 is the primary responsibility of MPD inasmuch as this act applies to territory within the limits of the City. Therefore, MPD has the authority to enforce Section 55-8-151 and the comparable City Code Section 11-16-13.
2. The operator of a motor vehicle upon meeting or overtaking from either direction a school bus which is stopped on the highway for the purpose of receiving or discharging school children is required to stop his or her vehicle before reaching the bus and not proceed until the bus resumes motion, is signaled by the driver to proceed, or the visual signals are no longer activated.
3. Drivers are not required to stop on streets with separate roadways when meeting or passing a school bus which is on a different roadway or when upon a controlled access street and the school bus is stopped in a loading zone which is part of the street and where pedestrians are not permitted to cross the street. Separate roadways mean roadways divided by an intervening space, which is not suitable to vehicular traffic. (i.e., grassy median).
4. A violation of Section 55-8-151 is a misdemeanor punishable by a fine not to exceed \$50.00 or by imprisonment for not greater than ninety (90) days or by both.



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5. Violators of this statute may be given a ticket citing them with violation of City Code 11-16-13. When an operator refuses to sign the summons and it is necessary to arrest the operator, then the operator should be arrested pursuant to TCA 55-8-151.
6. Under Section 11-16-13, the operator of a motor vehicle may proceed without being required to stop when a school bus stops at a school zone and is in the process of discharging students and does not have its warning signals turned on at the time. However, if stop sign is exhibited, the operator is required to stop.
7. Generally, the operator of the bus will have the visual signals activated when it is necessary to safeguard the children either in boarding or in discharging from the school bus. For the purposes of enforcement, you may presume that where the signals are not activated that the operator of the bus does not intend for other vehicles to stop just because the bus is parked at a location.

4.12.6 Striking Unattended Vehicle Charge

TCA 55-10-104 has mistakenly been used by some officers as a basic state traffic charge for striking a parked vehicle. There is no state charge for striking an unattended vehicle or fixed object. This section, TCA 55-10-104, pertains to leaving the scene, after striking an unattended vehicle. The alternative is to use the city charge, 11-16-45, striking a parked vehicle or fixed object, or the appropriate state charge for the violation committed that caused the driver to strike the unattended or parked vehicle (i.e., TCA 55-8-142, changing direction of travel in safety; TCA 55-10-205, reckless driving, etc.).

4.12.7 Vehicle Passenger Seat Belt

1. City Code 11-36-2 states that no person shall operate a motor vehicle unless they and all passengers are restrained by a belt at all times the vehicle is in forward motion, and any operator of a motor vehicle shall be fined for each passenger in the vehicle that fails to use a seat belt.
2. TCA 55-9-602 states that all persons operating a motor vehicle are required to have a transported child under the age of four in an approved restraint system. The driver and all passengers over sixteen shall be cited for failure to wear safety belts. The driver shall be cited for those passengers failing to wear seat belts who are between the ages of four through sixteen. Those who are not required to wear seat belts are:
 - a. Those who are physically disabled and whose condition is certified in writing by a physician as being inappropriate for the use of safety belts.
 - b. Rural letter carriers performing their duties.
 - c. Mechanics and salespersons performing their duties for an automobile dealer provided the dealership customarily test drives 50 or more vehicles per day and the test drivers are within one mile of the location of the dealership.
 - d. Utility workers, water, gas, and electric meter readers during the performance of their duties.
 - e. Newspaper delivery service from the time of the first delivery to the time of the last delivery.
 - f. The City Ordinance 11-36-2 "Use of safety belts in passenger vehicles" is a primary ordinance and does not require another violation present in order to enforce the ordinance.

4.12.8 Financial Responsibility



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1. Tennessee Code Annotated 55-12-139, indicates that all vehicles must be in compliance with the Financial Responsibility Law. Financial responsibility under this statute means:
 - a. Documentation, such as declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in this state, stating that a policy of insurance has been issued;
 - b. A valid certificate from the Commissioner of Safety stating that a cash deposit or bond has been paid or filed with the Commissioner, or that the operator is qualified as a self-insurer; or
 - c. A motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the Department of Safety, the Interstate Commerce Commission, or was owned by the United States, the State of Tennessee, or political subdivision thereof.
2. Procedures
 - a. Officers will enforce the financial responsibility law using a mandatory traffic citation. When completing the traffic citation, officers will ensure the "Mandatory Court Appearance" box is check marked.
 - b. Officers will not ticket the driver of a MLG&W owned vehicle for no proof of financial responsibility. MLG&W Claims Office is the insurer.
 - c. When an officer investigates a crash scene involving a City of Memphis owned motor vehicle, the investigating officer will write "City Claims" as the insurance company, tel. # 901-636-6616. If the crash involves a MLG&W owned vehicle, the investigating officer will write "MLG&W Claims" as the insurance company, tel. #901-528-4621.
 - d. If an arrest is made for some other state offense and the defendant is transported or a misdemeanor citation is issued, officers will use the appropriate state charges and TCA 55-12-139.
 - e. Failure to provide proof of financial responsibility is a violation of TCA 55-12-139 Compliance With Financial Responsibility Law Required—Evidence of Compliance.
 - f. A violation of this offense is a Class C misdemeanor punishable only by a fine of not more than one hundred dollars (\$100.00).

4.13 Conflict of Charges

- 4.13.1 Officers will not issue traffic citations when they place a state charge of Reckless Driving, as this charge encompasses other lesser traffic charges. The consequence has been that defense attorneys will plead their clients out on the city charges, which will bar subsequent prosecution on the state charge of Reckless Driving.
- 4.13.2 If there are no comparable state charges for the city charges, the city charge should be disregarded and incorporated in the narrative as a part of the officer's probable cause. If there are additional state traffic charges, they can be included in the arrest ticket along with DUI and Reckless Driving.

4.14 Traffic Violations

- 4.14.1 The following information is a guide for officers for issuance of a ticket or making an arrest in traffic cases, assignment of court dates, and appearance for traffic violations:



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1. Vehicle crashes involving authorized emergency vehicles will normally be investigated by STIS, and in some cases court appearances may be necessary for the parties involved and the investigating officer.
2. The twenty-four (24) hour time system "military time" will be used by this department in all reports, letters, and correspondence with the exception of traffic tickets.
3. All traffic tickets issued by officers will include a court date at the bottom of the ticket, with the date being set on the officers assigned summons day, as set forth in section 4.2 of MPD.P&P.06-040. Court dates will be issued at the beginning of each year and will not be changed even if the officer changes workstations. However, if an officer changes duty hours their court appearance time may change. Officers will never set more than one court date a month. (Exceptions: DUI, Motors, and PSTs.)
4. "Residents" will include all persons living or employed in Shelby County Tennessee.
5. Aggravated includes situations wherein excessive speeding and/or drinking is involved.

4.14.2 Officer Actions in Traffic Situations:

1. Vehicle crashes involving serious bodily injury or a fatality and the motorist has a valid driver's license and proof of insurance:

Officer Action

- a. Resident: Assign a mandatory court date with a required court appearance. The court date will be set for the officer's regular summons day.
 - b. Non-Resident: Assign a mandatory court date, and officers may issue a citation if, in his judgement, the person will appear in court. If so, the violator will be treated as a resident. However, if a physical arrest is necessary, officers must obtain approval from their immediate supervisor.
2. The officer will arrest an offender involved in a vehicle crash involving serious bodily injury or fatality and person does not have a valid driver's license and proof of insurance.
 3. A vehicle crash with personal injury, which requires the injured party to be transported from the scene for immediate medical attention:

Officer Action

- a. Resident: Assign a court date that aligns with the officer's regular summons day; the violator's appearance is mandatory.
 - b. Non-Resident: Assign a court date; officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if a physical arrest is necessary, officers must obtain approval from their immediate supervisor.
4. Leaving the Scene of a Crash, TCA 55-10-102; or Failure to Report the Crash, state charge TCA 55-10-106:

Officer Action



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- a. Resident: Issue a citation for Failure to Report 21-246; the court appearance is mandatory after receiving a court notice.
 - b. Non-Resident: Make an arrest.
5. DUI (alcohol/drugs), TCA 55-10-401:

Officer Action

Arrest all violators who are determined to be under the influence of drugs or alcohol where the Blood Alcohol Concentration is .08% or more.

6. Traffic charge without serious personal injury or property damage & No Driver's License or State Registration violation:

Officer Action

- a. Resident: Assign a mandatory court date for the violator to appear on the regular summons day.
 - b. Non-Resident: Assign a court date; officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if a physical arrest is necessary, officers must obtain approval from their immediate supervisor.
7. Driving on a Revoked License, TCA 55-50-504:

Officer Action

- a. Resident: Make an arrest; in some cases, a misdemeanor citation may be issued in lieu of transport under the guidelines set forth in MPD.P&P.03-034.
 - b. Non-Resident: Make an arrest.
8. Driving on a Revoked License, plus a moving violation, witnessed by the officer, or as a result of an accident:

Officer Action

- a. Resident: Make an arrest; in some cases, a misdemeanor citation may be issued in lieu of transport under the guidelines set forth in MPD.P&P.03-034.
 - b. Non-Resident: Make an arrest.
9. Reckless Driving, state charge only, TCA 55-10-205:

Officer Action

- a. Resident: Make an arrest; in some cases, a misdemeanor citation may be issued in lieu of transport under the guidelines set forth in MPD.P&P.03-034.
- b. Non-Resident: Make an arrest.



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10. Speeding in School Zone:

Officer Action

- a. Resident: Assign a mandatory court date for the violator to appear.
- b. Non-Resident: Assign a court date; officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if an arrest is necessary, officers must obtain approval from their immediate supervisor.

11. Speeding 26 MPH over the speed limit:

Officer Action

- a. Resident: Assign a mandatory court date for the violator to appear.
- b. Non-Resident: Assign a court date; officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if an arrest is necessary, officers must obtain approval from their immediate supervisor.

12. State Registration violation (city charge only, 21-269) or No Driver's License (city only 21-86):

Officer Action

- a. Resident: Assign a mandatory court date for the violator to appear.
- b. Non-Resident: Assign a court date; officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if an arrest is necessary, officers must obtain approval from their immediate supervisor.

13. State Registration violation or No Driver's License with a moving violation witnessed by the officer.

Officer Action

- a. Resident: Assign a mandatory court date for the violator to appear.
- b. Non-Resident: Assign a court date; officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if an arrest is necessary, officers must obtain approval from their immediate supervisor.

14. Passing a Stopped School Bus:

Officer Action

- a. Resident: Assign a mandatory court date for the violator to appear.
- b. Non-Resident: Assign a court date; officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if an arrest is necessary, officers must obtain approval from their immediate supervisor.

15. Drag Racing (state charge only, TCA 55-10-501)



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Officer Action

- a. Resident: Make an arrest; a misdemeanor citation may be issued in lieu of transport under the guidelines set forth in MPD.P&P.03-034.
- b. Non-Resident: Make an arrest.

16. Other moving traffic violations:

Officer Action

- a. Resident: Assign a court date.
- b. Non-Resident: Assign a court date; the officer maintains discretion to make an arrest when the identity of the violator is in question, or the violator refuses to sign the ticket, or the violator poses a threat to the safety of the community. However, officers must obtain approval from their immediate supervisor before making an arrest.

17. Other non-moving traffic violations:

Officer Action

- a. Resident: Assign a court date.
- b. Non-Resident: Assign a court date; the officer maintains discretion to make an arrest when the identity of the violator is in question, the violator refuses to sign the ticket, or the violator poses a threat to the safety of the community. However, officers must obtain approval from their immediate supervisor before making an arrest.

4.15 Parking

4.15.1 Parking Meter Enforcement

1. City Ordinance 11-44-4 provides for enforcement of parking meters from 0800 to 1800 hours, Monday through Friday. Saturday and Sunday and certain holidays Christmas Day, New Year's Day, July Fourth, and Thanksgiving Day are excluded from enforcement unless the meter specifies "24 hours per day each day of the week, holidays included".
2. Vehicles displaying a distinguishing handicapped placard or license plate, or disabled veterans license plate, issued by Tennessee or any other state, are exempt from paying a fee to park at parking meters or public owned parking facilities.

4.15.2 Parking around Police Headquarters and Criminal Justice Center

1. No police vehicle, marked or unmarked, will be allowed to park in a fire lane or block a fire plug.
2. Police vehicles are not to park on the sidewalk or block alleys.
3. Police vehicles parked and unattended in the Criminal Justice Complex garage shall be locked to reduce the possibility of vandalism or theft of police property from the vehicles.

4.15.3 Parking on the Main Street Mall



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Parking on the Main Street Mall (see definition 5.6) is only permissible after a permit is issued by the Main Street Mall Office. Exceptions to this policy for parking on the Main Street Mall are those for loading and unloading as posted. This will be strictly enforced with no tolerance or any exceptions.

4.15.4 Handicapped Parking

1. City Code Section 11-40-15 prohibits persons from parking a vehicle in a parking space clearly designated as being reserved for the physically handicapped, unless the person driving the vehicle is physically handicapped or parking such vehicle for the benefit of a physically handicapped passenger. This ordinance is enforceable on public and private property where a business, firm, or other person transacting business with the public from a permanent location has provided specially marked parking spaces for the exclusive use of handicapped drivers or passengers.
2. A vehicle parked in such place shall display a distinguishing placard, license plate, disabled veterans' license plate, distress flag, or card. The placard, issued by the State Department of Revenue, may be used in lieu of the distinguishing license plate when displayed on the dashboard of a vehicle on the driver's side.
3. When officers observe a violation of this ordinance, either on public or private property, they should issue a parking citation (short ticket).

4.16 Traffic Checkpoints

4.16.1 It is the policy of the Memphis Police Department to conduct traffic enforcement checkpoints in a safe, effective, and lawful manner. Before conducting traffic checkpoints, lieutenants or a higher-ranking supervisor must:

1. Pre-check the site for changes in road conditions and traffic flow;
2. Provide the dispatcher the detail start time, officers' names, IBM numbers, and car numbers prior to the detail;
3. Brief officers prior to the start of the checkpoint as to their purpose and responsibilities;
4. The stopping order of vehicles at the checkpoint (i.e., every car, every other car, every third car, etc.) must be determined prior to the checkpoint by a supervisor not actively involved in the checkpoint itself;
5. Traffic may be allowed to flow freely to clear any backups (this determination may be made by the supervisor on the scene); and
6. A supervisor must contact the Public Information Office at pio@memphistn.gov and provide the date, location, and time of the checkpoint (see subsection 4.16.3).

4.16.2 When conducting traffic checkpoints, supervisors must:

1. Create a roster in UKG for traffic safety grants using grant award number 13312 and pay code PD90274;
2. Remain on site to supervise the detail, which will last one to two hours maximum;



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3. Complete a checkpoint activity sheet;
 4. Notify the dispatcher at the completion of the detail;
 5. Submit the activity sheet to the station commanding officer; and
 6. Refrain from stopping motorists.
- 4.16.3 The Public Information Office (PIO) must provide the date, location, and time of the traffic checkpoints to the media at least seven days in advance. However, checkpoints funded by the Tennessee Highway Safety Office (THSO) require ten days' notice.
- 4.16.4 Grant-Funded Traffic Checkpoints
1. Grant Application

Every March, the grant office prepares and submits applications to the THSO for funding to support DUI checkpoints and other traffic safety initiatives.
 2. Budget Management

The grant office develops detailed budgets for grant proposals, outlining how funds will be used to support DUI checkpoints, including personnel, equipment, and operational costs.
 3. The grant office ensures that all activities funded by THSO grants comply with federal and state regulations, as well as any specific requirements outlined in the grant agreement.
 4. The grant office is responsible for preparing and submitting regular reports to THSO on the progress and outcomes of DUI checkpoint operations, including statistics on arrests, citations, and the overall effectiveness of the checkpoints.
 5. Expense Tracking

The grant office monitors and tracks all expenses related to DUI checkpoints to ensure they stay within the grant budget. This includes documenting expenditures for personnel overtime, equipment, and other operational costs.
- 4.16.5 Authority to Establish Checkpoints
1. The Chief of Police, Assistant Chief, Deputy Chiefs, Colonels, Lieutenant Colonels, and Executive Majors have the authority to establish checkpoints at their discretion.
 2. Majors and Lieutenants must have administrative approval before conducting a checkpoint.
- 4.16.6 Personnel
1. Minimum staffing shall consist of a lieutenant, a DUI technician, and six uniformed officers unless otherwise approved by a commander.
 2. The detail may use PSTs for traffic control.
 3. The detail may be supplemented with other Tennessee law enforcement personnel.



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4. Uniformed personnel will wear a reflective vest and announce their identity and purpose of the checkpoint.
5. Motorist stops shall be brief, and conversations confined to the enforcement activity.
6. Officers are not precluded from taking appropriate enforcement actions for any observed or detected violations of the law.

4.16.7 Checkpoint Enforcement Operations

1. The site must be well lit, safe, and highly visible to oncoming traffic.
2. Advance notification shall consist of a minimum of one checkpoint sign. The sign must be clearly posted, providing adequate warning that a checkpoint is ahead.
3. Approaching motorists must be provided with a way to avoid the checkpoint. This does not allow for approaching motorists to make illegal turns to avoid the checkpoint.
4. Marked police vehicles with activated blue lights shall safely channel oncoming traffic through the control zone.
5. Additional channeling aids such as cones and signs may be used.
6. Establish an area out of the main flow of traffic to direct possible violators for further investigation.
7. Congested traffic will be allowed to run until the normal flow resumes.
8. Checkpoints will be cancelled/terminated during inclement weather or an emergency.

4.16.8 Prohibitions

MPD does not have the authority to conduct a checkpoint for the purpose of checking for driver's licenses. Officers conducting a checkpoint may only ask for a driver's license after another violation has been observed. It is prohibited to use a checkpoint as a subterfuge for drug interdiction or other unspecified purposes.

5. DEFINITIONS

- 5.1 Checkpoints: Checkpoints are the temporary stopping of motorists for the specific purpose of identifying violators of the Driving Under the Influence and Seatbelt/Child Restraint laws.
- 5.2 Drag Racing Participant: defined in 55-10-101 as a "person or persons who operate any motor vehicle or motor vehicles upon the public highways of this state, or that of any municipality or political subdivision thereof, for the purpose of drag racing, and also any person or persons who arrange for, supervise, or in any way and manner set in motion any drag racing, regardless of whether or not such person or persons may be the operator of, or be a passenger in, any motor vehicle participating in drag racing".
- 5.3 Long Ticket: a traffic citation for a moving or non-moving violation



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- 5.4 Exigent Circumstances: circumstances that would cause a reasonable person to believe that prompt action was necessary to prevent imminent danger to life or serious property damage.
- 5.5 Marked Law Enforcement Vehicle: means a law enforcement vehicle equipped with:
1. At least one light bar assembly designed to display more than one steady burning, flashing, or revolving beam of light with three hundred sixty (360°) degree visibility;
 2. A horn, siren, electronic device, or exhaust whistle from which audible signals may sound; and
 3. Graphics, markings, or decals clearly identifying MPD on at least three of the following four sides: (i) Front; (ii) Rear; (iii) Left side; or (iv) Right side.
- 5.6 Main Street Mall: a portion of North Main Street between Peabody Place and Exchange Avenue zoned for pedestrian and trolley traffic only.
- 5.7 Motorized Bicycle (moped): A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters (50cc) which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty miles per hour (30 mph) on level ground.
- 5.8 Primary Violation: A violation of the City of Memphis Vehicles and Traffic Codes observed within the City of Memphis, that does not constitute a secondary violation.
- 5.9 QV: “Query Vehicle” – NCIC inquiry code for vehicle information.
- 5.10 Secondary Violation: Violations of the following of the City of Memphis Vehicles and Traffic Codes, and such other violations as are identified by the Police Department by regulation.
1. Registration of Vehicles, when the vehicle had been previously registered within the City of Memphis within sixty days of the observed infraction.
 2. Where the violation is only related to the location of the Temporary Registration Permit, but the permit is otherwise clearly displayed in the rear window;
 3. Where the violation only pertains to a Registration Plate, not securely fastened to the vehicle, but such plate is otherwise clearly displayed;
 4. Lighted Lamps, where the violation for lighting equipment not illuminating is limited to a single brake light, head light, or running light; a single bulb in a larger light of the same; or any other single light or bulb of a vehicle light; and
 5. Loosely Secured Bumpers or missing bumpers.
- 5.11 Short Ticket: a citation for a parking violation
- 5.12 Signal “C”: the end of an officer’s shift
- 6. CANCELLATIONS**

This directive cancels and replaces MPD.P&P.04-015 Traffic and Parking Tickets. This directive will be reviewed annually for relevant updates and/or cancellations.



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7. REFERENCES

7.1 Tennessee Code Annotated:

1. Title 40: 40-7-103;
2. Title 55: 55-4-101, 55-4-129, 55-4-221, 55-5-116, 55-8-142, 55-8-110, 55-8-151, 55-9-603, 55-10-308, 55-10-102, 55-10-104, 55-10-106, 55-10-115, 55-10-116, 55-10-202, 55-10-205, 55-10-401, 55-10-501, 55-12-139, 55-50-301, 55-50-311, 55-50-504;
3. Title 65: 65-12-115.

7.2 Memphis Municipal Code of Ordinances:

1. 6-80-34;
2. 9-44-1;
3. 11-4-1, 11-4-3, and 11-4-5: govern the use of unmarked vehicles when conducting traffic stops;
4. 11-8-10;
5. 11-8-12: Achieving Driving Equality, Compliance, and Enforcement of the City of Memphis Vehicles and Traffic Code;
6. 11-12-6, 11-16-13, 11-16-45, 11-36-2, 11-40-15, 11-44-4, 11-60-5;
7. 12-84-13;
8. 21-86, 21-269, 21-347.

8. SIGNIFICANT CHANGES


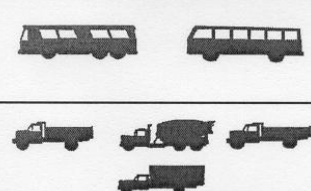
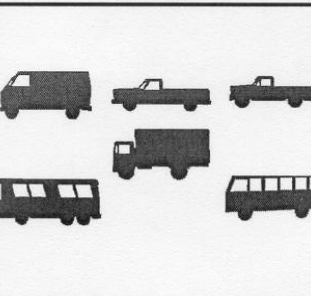
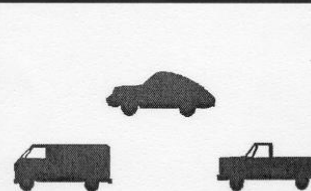

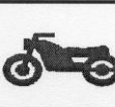
1. MPD.P&P.04-016, MPD.P&P.04-017, and MPD.P&P.04-018 were consolidated into this directive;
2. The title of this directive was changed from "Traffic and Parking Tickets" to "Traffic Enforcement";
3. Subsections 4.2.1, 4.2.2, 4.2.3., and 4.2.4, along with corresponding definitions 5.4, 5.5, 5.8, and 5.10 were added to comply with newly created city ordinances.

9. APPENDIX



9.1 Classes of Tennessee Driver's Licenses

Classes of Tennessee Driver's Licenses

<u>Class of License</u>		<u>Special Endorsement</u>
<p>A Combination Vehicles GCWR over 26,000 lbs. Towed Vehicle(s) over 10,000 lbs.</p>		<p>Endorsements N - Tanks 1,000 gallons or greater H - Hazardous Materials X - Tanks and Haz Mat T - Double/Triple Trailers P - Greater than 15 passengers including driver S - School Bus</p>
<p>B Trucks or buses over 26,000 lbs GVWR Any such vehicle towing a vehicle not in excess of 10,000 lbs. GVWR</p>		
<p>C Vehicles weighing 26,000 lbs GVWR or less: -Placarded for Hazardous Materials -Designed to seat more than 15 people including driver OR -Used as a school bus</p>		
<p>D Generally, all passenger vehicles, except vehicle in Classes A,B,C, or M</p>		<p>F For Hire When a class D vehicle is operated by a person employed for the principal purpose of driving, and used as a public or common carrier of persons or property</p>
<p>H Hardship license for drivers between the ages of 14 & 16 in special hardship cases</p>		<p>SPECIAL RESTRICTIONS MAY APPLY</p>
<p>M Motorcycles and motor-driven cycles</p>		<p>SPECIAL RESTRICTIONS MAY APPLY</p>
<p>P Issued as an instructional permit for Class A, B, C, D, and M license PD="Learners Permit"</p>	<p>SPECIAL RESTRICTION APPLY DEPENDING UPON THE PARTICULAR CLASS</p>	